

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 523
100TH GENERAL ASSEMBLY

3713H.10C

DANA RADEMAN MILLER, Chief Clerk

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, 190.142, 190.143, 190.196, 190.243, 195.015, 195.017, 195.417, 211.438, 211.439, 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-six 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,
2 190.094, 190.100, 190.105, 190.142, 190.143, 190.196, 190.243, 195.015, 195.017, 195.417,
3 211.438, 211.439, 217.735, 221.111, 270.400, 306.127, 307.179, 311.060, 311.293, 311.332,
4 311.660, 313.220, 320.091, 556.061, 565.002, 575.150, 575.180, 578.018, 578.030, 579.040,
5 579.060, 579.065, 579.068, 579.076, 589.400, 589.401, 589.404, 589.414, 590.207, 610.021, and
6 650.005, RSMo, and section 211.071 as enacted by senate bill no. 793 merged with senate bill
7 no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first
9 regular session, are repealed and seventy-six new sections enacted in lieu thereof, to be known
10 as sections 32.056, 40.003, 41.005, 45.010, 45.020, 45.030, 67.142, 84.344, 94.900, 94.902,
11 160.665, 168.133, 173.2700, 173.2703, 173.2706, 173.2709, 173.2712, 190.092, 190.094,
12 190.100, 190.105, 190.142, 190.143, 190.196, 190.243, 190.1005, 191.255, 195.015, 195.017,
13 195.417, 195.805, 195.815, 211.071, 211.439, 217.697, 217.735, 217.850, 221.111, 270.400,
14 285.040, 306.127, 307.179, 311.060, 311.199, 311.293, 311.332, 311.660, 313.220, 320.091,
15 556.061, 565.002, 570.027, 575.150, 575.180, 577.011, 577.800, 578.018, 578.030, 579.040,
16 579.060, 579.065, 579.068, 579.076, 589.400, 589.401, 589.404, 589.414, 589.805, 590.207,
17 610.021, 632.460, 640.042, 640.142, 640.144, 640.145, and 650.005, to read as follows:

32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department
2 of revenue shall not release the home address of or any information that identifies any vehicle
3 owned or leased by any person who is a county, state or federal parole officer[~~]~~; a federal
4 pretrial officer[~~]~~; a peace officer pursuant to section 590.010[~~]~~; **a person employed by the**
5 **Missouri department of corrections; any jailer or corrections officer of the state or any**
6 **political subdivision of the state;** a person vested by Article V, Section 1 of the Missouri
7 Constitution with the judicial power of the state[~~]~~; a member of the federal judiciary[~~]~~; or a
8 member of such person's immediate family contained in the department's motor vehicle or driver
9 registration records, based on a specific request for such information from any person. Any such
10 person may notify the department of his or her status and the department shall protect the
11 confidentiality of the home address and vehicle records on such a person and his or her
12 immediate family as required by this section. This section shall not prohibit the department from
13 releasing information on a motor registration list pursuant to section 32.055 or from releasing
14 information on any officer who 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 U.S.C. 31309.

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

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

45.010. There is hereby created a "Department of Defense" to be headed by the
2 **adjutant general appointed by the governor, by and with the advice and consent of the**
3 **senate. All of the general provisions, definitions, and powers enumerated in section 1 of**

4 the Omnibus State Reorganization Act of 1974 shall apply to this department and its
5 divisions, agencies, and personnel.

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

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

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

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

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

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

6 2. Upon the establishment of a municipal police force by a city under sections 84.343
7 to 84.346, the board of police commissioners shall convey, assign, and otherwise transfer to the
8 city title and ownership of all indebtedness and assets, including, but not limited to, all funds and
9 real and personal property held in the name of or controlled by the board of police
10 commissioners created under sections 84.010 to 84.340. The board of police commissioners
11 shall execute all documents reasonably required to accomplish such transfer of ownership and
12 obligations.

13 3. If the city establishes a municipal police force and completes the transfer described
14 in subsection 2 of this section, the city shall provide the necessary funds for the maintenance of
15 the municipal police force.

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

20 5. A city not within a county that establishes a municipal police force shall initially
21 employ, without a reduction in rank, salary, or benefits, all commissioned and civilian personnel
22 of the board of police commissioners created under sections 84.010 to 84.340 that were
23 employed by the board immediately prior to the date the municipal police force was established.
24 Such commissioned personnel who previously were employed by the board may only be
25 involuntarily terminated by the city not within a county for cause. The city shall also recognize
26 all accrued years of service that such commissioned and civilian personnel had with the board
27 of police commissioners. Such personnel shall be entitled to the same holidays, vacation, and
28 sick leave they were entitled to as employees of the board of police commissioners.

29 6. Commissioned and civilian personnel who ~~[were previously employed by the board]~~
30 **are employed by a municipal police force established under this section** shall ~~[continue to]~~
31 **not** be subject, throughout their employment for the city not within a county, to a residency ~~[rule~~
32 ~~no more restrictive than a]~~ requirement of retaining a primary residence in a city not within a
33 county ~~[for a total of seven years and of then allowing them to maintain a primary residence~~
34 ~~outside the city not within a county]~~ so long as the **primary** residence is located within a
35 one-hour response time.

36 7. The commissioned and civilian personnel who retire from service with the board of
37 police commissioners before the establishment of a municipal police force under subsection 1
38 of this section shall continue to be entitled to the same pension benefits provided under chapter
39 86 and the same benefits set forth in subsection 5 of this section.

40 8. If the city not within a county elects to establish a municipal police force under this
41 section, the city shall establish a separate division for the operation of its municipal police force.
42 The civil service commission of the city may adopt rules and regulations appropriate for the
43 unique operation of a police department. Such rules and regulations shall reserve exclusive
44 authority over the disciplinary process and procedures affecting commissioned officers to the
45 civil service commission; however, until such time as the city adopts such rules and regulations,
46 the commissioned personnel shall continue to be governed by the board of police commissioner's
47 rules and regulations in effect immediately prior to the establishment of the municipal police
48 force, with the police chief acting in place of the board of police commissioners for purposes of

49 applying the rules and regulations. Unless otherwise provided for, existing civil service
50 commission rules and regulations governing the appeal of disciplinary decisions to the civil
51 service commission shall apply to all commissioned and civilian personnel. The civil service
52 commission's rules and regulations shall provide that records prepared for disciplinary purposes
53 shall be confidential, closed records available solely to the civil service commission and those
54 who possess authority to conduct investigations regarding disciplinary matters pursuant to the
55 civil service commission's rules and regulations. A hearing officer shall be appointed by the civil
56 service commission to hear any such appeals that involve discipline resulting in a suspension of
57 greater than fifteen days, demotion, or termination, but the civil service commission shall make
58 the final findings of fact, conclusions of law, and decision which shall be subject to any right of
59 appeal under chapter 536.

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

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

66 (2) Shall provide or contract for medical and life insurance coverage for any
67 commissioned or civilian personnel who retired from service with the board of police
68 commissioners or who were employed by the board of police commissioners and retire from the
69 municipal police force of a city not within a county to the same extent such medical and life
70 insurance coverage was provided by the board of police commissioners under section 84.160;

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

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

80 10. A city not within a county that establishes a municipal police force under sections
81 84.343 to 84.346 shall establish a transition committee of five members for the purpose of
82 coordinating and implementing the transition of authority, operations, assets, and obligations
83 from the board of police commissioners to the city; winding down the affairs of the board;
84 making nonbinding recommendations for the transition of the police force from the board to the

85 city; and other related duties, if any, established by executive order of the city's mayor. Once the
86 ordinance referenced in this section is enacted, the city shall provide written notice to the board
87 of police commissioners and the governor of the state of Missouri. Within thirty days of such
88 notice, the mayor shall appoint three members to the committee, two of whom shall be members
89 of a statewide law enforcement association that represents at least five thousand law enforcement
90 officers. The remaining members of the committee shall include the police chief of the
91 municipal police force and a person who currently or previously served as a commissioner on
92 the board of police commissioners, who shall be appointed to the committee by the mayor of
93 such city.

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

3 (a) Any city of the third classification with more than ten thousand eight hundred but less
4 than ten thousand nine hundred inhabitants located at least partly within a county of the first
5 classification with more than one hundred eighty-four thousand but less than one hundred eighty-
6 eight thousand inhabitants;

7 (b) Any city of the fourth classification with more than four thousand five hundred but
8 fewer than five thousand inhabitants;

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

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

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

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

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

19 (h) Any city of the fourth classification with more than four thousand but fewer than four
20 thousand five hundred inhabitants and located in any county of the first classification with more
21 than one hundred fifty thousand but fewer than two hundred thousand inhabitants;

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

26 (j) Any city of the fourth classification with more than three thousand but fewer than
27 three thousand three hundred inhabitants and located in any county of the third classification

28 without a township form of government and with more than eighteen thousand but fewer than
29 twenty thousand inhabitants and that is not the county seat of such county;

30 **(k) Any city of the fourth classification with more than four hundred fifty but fewer**
31 **than five hundred inhabitants and located in any county of the third classification without**
32 **a township form of government and with more than twenty-nine thousand but fewer than**
33 **thirty-three thousand inhabitants and with a city of the fourth classification with more**
34 **than four hundred but fewer than four hundred fifty inhabitants as the county seat;**

35 **(l) Any city of the fourth classification with more than eight thousand but fewer**
36 **than twelve thousand inhabitants and located in any county of the first classification with**
37 **more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;**
38 **or**

39 **(m) Any city of the fourth classification with more than one thousand three**
40 **hundred fifty but fewer than one thousand five hundred inhabitants and located in any**
41 **county of the first classification with more than one hundred fifty thousand but fewer than**
42 **two hundred thousand inhabitants.**

43 (2) The governing body of any city listed in subdivision (1) of this subsection is hereby
44 authorized to impose, by ordinance or order, a sales tax in the amount of up to one-half of one
45 percent on all retail sales made in such city which are subject to taxation under the provisions
46 of sections 144.010 to 144.525 for the purpose of improving the public safety for such city[;]
47 including, but not limited to, expenditures on equipment, city employee salaries and benefits, and
48 facilities for police, fire and emergency medical providers. The tax authorized by this section
49 shall be in addition to any and all other sales taxes allowed by law, except that no ordinance or
50 order imposing a sales tax pursuant to the provisions of this section shall be effective unless the
51 governing body of the city submits to the voters of the city, at a county or state general, primary,
52 or special election, a proposal to authorize the governing body of the city to impose a tax.

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

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

58 YES NO

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

61

62 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
63 of the proposal submitted pursuant to this subsection, then the ordinance or order and any

64 amendments thereto shall be in effect on the first day of the second calendar quarter after the
65 director of revenue receives notification of adoption of the local sales tax. If a proposal receives
66 less than the required majority, then the governing body of the city shall have no power to
67 impose the sales tax herein authorized unless and until the governing body of the city shall again
68 have submitted another proposal to authorize the governing body of the city to impose the sales
69 tax authorized by this section and such proposal is approved by the required majority of the
70 qualified voters voting thereon. However, in no event shall a proposal pursuant to this section
71 be submitted to the voters sooner than twelve months from the date of the last proposal pursuant
72 to this section.

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

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

81 5. All sales taxes collected by the director of ~~[the department of]~~ revenue under this
82 section on behalf of any city, less one percent for cost of collection which shall be deposited in
83 the state's general revenue fund after payment of premiums for surety bonds as provided in
84 section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known
85 as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be
86 deemed to be state funds and shall not be commingled with any funds of the state. The
87 provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be
88 transferred and placed to the credit of the general revenue fund. The director of ~~[the department~~
89 ~~of]~~ revenue shall keep accurate records of the amount of money in the trust and which was
90 collected in each city imposing a sales tax pursuant to this section, and the records shall be open
91 to the inspection of officers of the city and the public. Not later than the tenth day of each month
92 the director of ~~[the department of]~~ revenue shall distribute all moneys deposited in the trust fund
93 during the preceding month to the city which levied the tax; such funds shall be deposited with
94 the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall
95 be by an appropriation act to be enacted by the governing body of each such city. Expenditures
96 may be made from the fund for any functions authorized in the ordinance or order adopted by
97 the governing body submitting the tax to the voters.

98 6. The director of ~~[the department of]~~ revenue may make refunds from the amounts in
99 the trust fund and credited to any city for erroneous payments and overpayments made, and may

100 redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes
101 the tax, the city shall notify the director of ~~[the department of]~~ revenue of the action at least
102 ninety days prior to the effective date of the repeal and the director of ~~[the department of]~~
103 revenue may order retention in the trust fund, for a period of one year, of two percent of the
104 amount collected after receipt of such notice to cover possible refunds or overpayment of the tax
105 and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one
106 year has elapsed after the effective date of abolition of the tax in such city, the director of ~~[the~~
107 ~~department of]~~ revenue shall remit the balance in the account to the city and close the account
108 of that city. The director of ~~[the department of]~~ revenue shall notify each city of each instance
109 of any amount refunded or any check redeemed from receipts due the city.

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

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

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

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

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

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

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

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

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

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

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

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

29 **(11) Any city of the fourth classification with more than one thousand fifty but**
 30 **fewer than one thousand two hundred inhabitants and located in any county of the third**
 31 **classification without a township form of government and with more than eighteen**
 32 **thousand but fewer than twenty thousand inhabitants and with a city of the fourth**
 33 **classification with more than two thousand one hundred but fewer than two thousand four**
 34 **hundred inhabitants as the county seat; or**

35 **(12) Any village with more than one thousand three hundred fifty but fewer than**
 36 **one thousand five hundred inhabitants and located in any county of the first classification**
 37 **with more than two hundred thousand but fewer than two hundred sixty thousand**
 38 **inhabitants.**

39 2. The governing body of any city **or village** listed in subsection 1 of this section may
 40 impose, by order or ordinance, a sales tax on all retail sales made in the city **or village** which are
 41 subject to taxation under chapter 144. The tax authorized in this section may be imposed in an
 42 amount of up to one-half of one percent, and **the tax** shall be imposed solely for the purpose of
 43 improving the public safety for such city[;] **or village** including, but not limited to, expenditures
 44 on equipment[;] ; city **or village** employee salaries and benefits[;] ; and facilities for police, fire,
 45 and emergency medical providers. The tax authorized in this section shall be in addition to all
 46 other sales taxes imposed by law, and shall be stated separately from all other charges and taxes.
 47 The order or ordinance imposing a sales tax under this section shall not become effective unless
 48 the governing body of the city **or village** submits to the voters residing within the city **or village**,
 49 at a county or state general, primary, or special election, a proposal to authorize the governing
 50 body of the city **or village** to impose a tax under this section.

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

53 Shall the (city/village) of _____ ([city's] **insert** name) impose a
 54 (citywide/villagewide) sales tax at a rate of _____ (insert [~~rate of percent~~
 55 **percentage**) percent for the purpose of improving the public safety of the
 56 (city/village)?

57 YES NO

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

61 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
62 of the proposal, then the ordinance or order and any amendments to the order or ordinance shall
63 become effective on the first day of the second calendar quarter after the director of revenue
64 receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal
65 by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become
66 effective unless the proposal is resubmitted under this section to the qualified voters and such
67 proposal is approved by a majority of the qualified voters voting on the proposal. However, in
68 no event shall a proposal under this section be submitted to the voters sooner than twelve months
69 from the date of the last proposal under this section.

70 4. Any sales tax imposed under this section shall be administered, collected, enforced,
71 and operated as required in section 32.087. All sales taxes collected by the director of the
72 department of revenue under this section on behalf of any city **or village**, less one percent for
73 cost of collection which shall be deposited in the state's general revenue fund after payment of
74 premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust
75 fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales
76 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall
77 not be commingled with any funds of the state. The provisions of section 33.080 to the contrary
78 notwithstanding, money in this fund shall not be transferred and placed to the credit of the
79 general revenue fund. The director shall keep accurate records of the amount of money in the
80 trust fund and which was collected in each city **or village** imposing a sales tax under this section,
81 and the records shall be open to the inspection of officers of the city **or village** and the public.
82 Not later than the tenth day of each month the director shall distribute all moneys deposited in
83 the trust fund during the preceding month to the city **or village** which levied the tax. Such funds
84 shall be deposited with the city **or village** treasurer of each such city **or village**, and all
85 expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted
86 by the governing body of each such city **or village**. Expenditures may be made from the fund
87 for any functions authorized in the ordinance or order adopted by the governing body submitting
88 the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall
89 continue to be used solely for the designated purposes. Any funds in the special trust fund which
90 are not needed for current expenditures shall be invested in the same manner as other funds are
91 invested. Any interest and moneys earned on such investments shall be credited to the fund.

92 5. The director of ~~the department of~~ revenue may authorize the state treasurer to make
93 refunds from the amounts in the trust fund and credited to any city **or village** for erroneous
94 payments and overpayments made, and may redeem dishonored checks and drafts deposited to
95 the credit of such cities **or villages**. If any city **or village** abolishes the tax, the city **or village**
96 shall notify the director of the action at least ninety days before the effective date of the repeal,

97 and the director may order retention in the trust fund, for a period of one year, of two percent of
98 the amount collected after receipt of such notice to cover possible refunds or overpayment of the
99 tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After
100 one year has elapsed after the effective date of abolition of the tax in such city **or village**, the
101 director shall remit the balance in the account to the city and close the account of that city **or**
102 **village**. The director shall notify each city **or village** of each instance of any amount refunded
103 or any check redeemed from receipts due the city **or village**.

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

108 Shall _____ (insert the name of the city **or village**) repeal the sales tax imposed
109 at a rate of _____ (insert [~~rate of percent~~] **percentage**) percent for the purpose
110 of improving the public safety of the (city/**village**)?

111 YES NO

112

113 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
114 effective on December thirty-first of the calendar year in which such repeal was approved. If a
115 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
116 the repeal, then the sales tax authorized in this section shall remain effective until the question
117 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
118 of the qualified voters voting on the question.

119 7. Whenever the governing body of any city **or village** that has adopted the sales tax
120 authorized in this section receives a petition, signed by ten percent of the registered voters of the
121 city **or village** voting in the last gubernatorial election, calling for an election to repeal the sales
122 tax imposed under this section, the governing body shall submit to the voters of the city **or**
123 **village** a proposal to repeal the tax. If a majority of the votes cast on the question by the
124 qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on
125 December thirty-first of the calendar year in which such repeal was approved. If a majority of
126 the votes cast on the question by the qualified voters voting thereon are opposed to the repeal,
127 then the tax shall remain effective until the question is resubmitted under this section to the
128 qualified voters and the repeal is approved by a majority of the qualified voters voting on the
129 question.

130 8. Any sales tax imposed under this section by a city described under subdivision (6) of
131 subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire.
132 No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax

133 pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply
134 to a sales tax imposed under this section by a city described under subdivision (6) of subsection
135 1 of this section.

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

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

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

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

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

11 **b. The organized militia of any state or territory of the United States, the
12 Commonwealth of Puerto Rico, or the District of Columbia, not included within the
13 definition of the National 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 school district:**

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

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

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

24 **(d) "Volunteer", any individual who:**

25 **a. Was formerly employed as a law enforcement officer but who has retired from
26 such employment;**

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

28 **c. Serves or will serve a school district as a school protection officer on a paid or
29 unpaid basis but not as an employee of the school district.**

30 **2. Any school district within the state may designate one or more [elementary or
31 secondary school teachers or administrators as a] school protection [officer] officers in each of**

32 **the district's school buildings. A school protection officer may be a teacher or**
33 **administrator as provided in this section or may be a volunteer. If a school protection**
34 **officer is a teacher or administrator,** the responsibilities and duties of a school protection
35 officer are voluntary and shall be in addition to the normal responsibilities and duties of the
36 teacher or administrator. **If the school protection officer is a volunteer, the individual may**
37 **serve on an unpaid basis or may be provided compensation by the school district.** Any
38 compensation for ~~[additional]~~ duties relating to service as a school protection officer shall be
39 funded by the local school district, with no state funds used for such purpose.

40 ~~[2-]~~ **3.** Any ~~[person]~~ **individual** designated by a school district as a school protection
41 officer shall ~~[be authorized to]~~ carry a concealed ~~[firearms or]~~ **firearm and** a self-defense spray
42 device in any school in the district. A self-defense spray device shall mean any device that is
43 capable of carrying, and that ejects, releases, or emits, a nonlethal solution capable of
44 incapacitating a violent threat. The school protection officer shall not be permitted to allow any
45 firearm or device out of ~~[his or her]~~ **the officer's** personal control while that firearm or device
46 is on school property. Any school protection officer who violates this subsection may be
47 removed immediately from the ~~[classroom]~~ **building** and subject to employment termination
48 proceedings **if the officer is a teacher or administrator, or subject to removal from the**
49 **building and dismissal as a volunteer if serving as a volunteer school protection officer.**

50 ~~[3-]~~ **4.** A school protection officer has the same authority to detain or use force against
51 any person on school property as provided to any other person under chapter 563.

52 ~~[4-]~~ Upon detention of a person under **this** subsection ~~[3- of this section]~~, the school
53 protection officer shall immediately notify a school administrator and a school resource officer,
54 if such officer is present at the school. If the person detained is a student then the parents or
55 guardians of the student shall also be immediately notified by a school administrator.

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

59 6. Any teacher or administrator of an elementary or secondary school who seeks to be
60 designated as a school protection officer shall request such designation in writing, and submit
61 it to the superintendent of the school district which employs ~~[him or her]~~ **such individual** as a
62 teacher or administrator. Along with this request, any teacher or administrator seeking to carry
63 a concealed firearm on school property shall also submit proof that ~~[he or she]~~ **such individual**
64 has a valid concealed carry endorsement or permit, and all teachers and administrators seeking
65 the designation of school protection officer shall submit a certificate of school protection officer
66 training program completion from a training program approved by the director of the department
67 of public safety which demonstrates that such person has successfully completed the training

68 requirements established by the POST commission under chapter 590 for school protection
69 officers.

70 7. No school district ~~[may]~~ **shall** designate ~~[a teacher or administrator]~~ **any individual**
71 as a school protection officer unless such person has successfully completed a school protection
72 officer training program~~[-which]~~ **that** has been approved by the director of the department of
73 public safety. No school district shall allow a school protection officer to carry a concealed
74 firearm on school property unless the school protection officer has a valid concealed carry
75 endorsement or permit.

76 8. **(1)** Any school district that designates a ~~[teacher or administrator as a]~~ school
77 protection officer shall, within thirty days **of such designation**, notify~~[-]~~ in writing~~[-]~~ the director
78 of the department of public safety of the designation, which shall include the following:

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

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

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

82 **(2)** Notwithstanding any other provisions of law to the contrary, any identifying
83 information collected under the authority of this subsection shall not be considered public
84 information and shall not be subject to a request for public records made under chapter 610.

85 9. A school district may revoke the designation of ~~[a person]~~ **an individual** as a school
86 protection officer for any reason and shall immediately notify the designated school protection
87 officer in writing of the revocation. The school district shall also within thirty days of the
88 revocation notify the director of the department of public safety in writing of the revocation of
89 the designation of such ~~[person]~~ **individual** as a school protection officer. ~~[A person]~~ **An**
90 **individual** who has had the designation of school protection officer revoked has no right to
91 appeal the revocation decision.

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

95 11. Before a school district may designate a ~~[teacher or administrator as a]~~ school
96 protection officer, the school board shall hold a public hearing on whether to allow such
97 designation. Notice of the hearing shall be published at least fifteen days before the date of the
98 hearing in a newspaper of general circulation within the city or county in which the school
99 district is located. The board may determine at a closed meeting, as "closed meeting" is defined
100 under section 610.010, whether to authorize the ~~[designated school protection officer to carry a~~
101 ~~concealed firearm or a self-defense spray device]~~ **individual to serve the school district as a**
102 **school protection officer.**

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

11 2. (1) The school district shall ensure that a criminal background check is conducted on
12 any person employed after January 1, 2005, authorized to have contact with pupils and prior to
13 the individual having contact with any pupil. Such persons include, but are not limited to,
14 administrators, teachers, **substitute teachers**, aides, paraprofessionals, assistants, secretaries,
15 custodians, cooks, screened volunteers, and nurses.

16 (2) The school district shall also ensure that a criminal background check is conducted
17 for school bus drivers. The district may allow such drivers to operate buses pending the result
18 of the criminal background check. For bus drivers, the school district shall be responsible for
19 conducting the criminal background check on drivers employed by the school district. For
20 drivers employed by a pupil transportation company under contract with the school district, the
21 criminal background check shall be conducted pursuant to section 43.540 and conform to the
22 requirements established in the National Child Protection Act of 1993, as amended by the
23 Volunteers for Children Act.

24 (3) **The school district shall also ensure that a criminal background check is**
25 **conducted on any person who is eighteen years of age or older, who is not counted by the**
26 **district for purposes of average daily attendance, as defined in section 163.011, and who**
27 **requests enrollment in a course that takes place on school district property during regular**
28 **school hours and that includes students counted by the district for purposes of average**
29 **daily attendance, as defined in section 163.011. The background check shall be conducted**
30 **before the person enrolls in any such course.**

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

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

38 3. In order to facilitate the criminal history background check, the applicant **or person**
39 **requesting enrollment in a course as described in this section** shall submit a set of
40 fingerprints collected ~~[pursuant to standards determined by the Missouri highway patrol]~~ **under**
41 **section 43.540**. The fingerprints shall be used by the highway patrol to search the criminal
42 history repository and shall be forwarded to the Federal Bureau of Investigation for searching the
43 federal criminal history files.

44 4. The applicant **or person requesting enrollment in a course as described in this**
45 **section** shall pay the fee for the state criminal history record information pursuant to section
46 43.530 and sections 210.900 to 210.936 and pay the appropriate fee determined by the Federal
47 Bureau of Investigation for the federal criminal history record when he or she applies for a
48 position authorized to have contact with pupils pursuant to this section **or requests enrollment**
49 **in a course as described in this section**. The department shall distribute the fees collected for
50 the state and federal criminal histories to the Missouri highway patrol.

51 5. **For each school district that is not enrolled in the Missouri Rap Back program**
52 **under chapter 43**, the department of elementary and secondary education shall facilitate an
53 annual check of employed persons holding current active certificates under section 168.021
54 against criminal history records in the central repository under section 43.530, the sexual
55 offender registry under sections 589.400 to 589.426, and child abuse central registry under
56 sections 210.109 to 210.183. The department of elementary and secondary education shall
57 facilitate procedures for school districts to submit personnel information annually for persons
58 employed by the school districts who do not hold a current valid certificate who are required by
59 subsection 1 of this section to undergo a criminal background check, sexual offender registry
60 check, and child abuse central registry check. ~~[The Missouri state highway patrol shall provide~~
61 ~~ongoing electronic updates to criminal history background checks of those persons previously~~
62 ~~submitted, both those who have an active certificate and those who do not have an active~~
63 ~~certificate, by the department of elementary and secondary education. This shall fulfill the~~
64 ~~annual check against the criminal history records in the central repository under section 43.530.]~~
65 **State and federal fingerprint-based criminal record checks submitted under section 43.540**
66 **shall satisfy the annual criminal background check and sexual offender registry check**
67 **required by this section.**

68 6. The school district may adopt a policy to provide for reimbursement of expenses
69 incurred by an employee for state and federal criminal history information pursuant to section
70 43.530.

71 7. If, as a result of the criminal history background check mandated by this section, it is
72 determined that the holder of a certificate issued pursuant to section 168.021 has pled guilty or
73 nolo contendere to, or been found guilty of a crime or offense listed in section 168.071, or a
74 similar crime or offense committed in another state, the United States, or any other country,
75 regardless of imposition of sentence, such information shall be reported to the department of
76 elementary and secondary education.

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

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

85 10. A criminal background check and fingerprint collection conducted under subsections
86 1 to 3 of this section shall be valid for at least a period of one year and transferrable from one
87 school district to another district. A school district may, in its discretion, conduct a new criminal
88 background check and fingerprint collection under subsections 1 to 3 **of this section** for a newly
89 hired employee at the district's expense. A teacher's change in type of certification shall have no
90 effect on the transferability or validity of such records.

91 11. Nothing in this section shall be construed to alter the standards for suspension,
92 denial, or revocation of a certificate issued pursuant to this chapter.

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

101 13. **For all years beginning on or after January 1, 2021, any substitute teacher may,**
102 **at the time such substitute teacher submits the fingerprints and information required for**
103 **the Missouri criminal record review under subsections 2 and 3 of this section, designate up**
104 **to five school districts to which the results of the substitute teacher's criminal history**
105 **background check and fingerprint collection shall be disseminated. The substitute teacher**

106 shall pay an additional five-dollar fee for such records to be disseminated for any
107 additional school district up to five additional school districts.

108 **14.** The state board of education may promulgate rules for criminal history background
109 checks made pursuant to this section. Any rule or portion of a rule, as that term is defined in
110 section 536.010, that is created under the authority delegated in this section shall become
111 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
112 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the
113 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
114 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
115 rulemaking authority and any rule proposed or adopted after January 1, 2005, shall be invalid and
116 void.

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

3 **2.** For purposes of sections 173.2700 to 173.2712, the following terms mean:

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

5 **(2)** "Private college" or "private university", any college or university that:

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

7 **(b)** Provides a program of education in residence leading to a baccalaureate degree,
8 or provides a program of education in residence for which the baccalaureate degree is a
9 prerequisite leading to an academic or professional degree;

10 **(c)** Is accredited by the Higher Learning Commission or other nationally
11 recognized accrediting agency; and

12 **(d)** Is located within five miles of any city of the fourth classification with more
13 than four thousand but fewer than four thousand five hundred inhabitants and located in
14 any county of the first classification with more than fifty thousand but fewer than seventy
15 thousand inhabitants.

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

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

22 **(2)** Respond to emergencies or natural disasters outside of the boundaries of college
23 or university property and provide services if requested by the law enforcement agency
24 with jurisdiction.

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

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

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

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

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

173.2709. 1. For the purpose of promoting public safety, health, and general welfare and to protect life and property, the governing board of any private college or private university may establish regulations to control vehicular traffic, including speed regulations, on any thoroughfare owned or maintained by the college or university and located within any of its campuses. Such regulations shall be consistent with the provisions of the general motor vehicle laws of this state. Upon adoption of such regulations, the private college or private university shall have the authority to place official traffic control signals, as defined in section 300.010, on campus property.

2. The regulations established by the governing board of the private college or private university under subsection 1 of this section shall be codified, printed, and

11 distributed for public use. Adequate signs displaying the speed limit shall be posted along
12 such thoroughfares.

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

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

173.2712. 1. All motor vehicles operated upon any thoroughfare owned or
2 maintained by a private college or private university and located within any of its
3 campuses shall be subject to the provisions of the general motor vehicle laws of this state,
4 including chapters 301, 302, 303, 304, 307, and 577. Violations shall have the same effect
5 as though such violations had occurred on public roads, streets, or highways of this state.

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

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

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

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

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

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

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

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

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

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

13 **(5) Ensure that an inspection is made of all automated external defibrillators on the**
14 **premises at least every ninety days for potential issues related to operation of the device,**
15 **including a blinking light or other obvious defect that may suggest tampering or that**
16 **another problem has arisen with the functionality of the automated external defibrillator.**

17 [~~A person or entity who acquires an automated external defibrillator shall ensure that:~~

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

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

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

27 ~~—— (4) Any person or entity that owns an automated external defibrillator that is for use~~
28 ~~outside of a health care facility shall have a physician review and approve the clinical protocol~~
29 ~~for the use of the defibrillator, review and advise regarding the training and skill maintenance~~
30 ~~of the intended users of the defibrillator and assure proper review of all situations when the~~
31 ~~defibrillator is used to render emergency care.~~

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

35 ~~—— 4.]~~ **3.** Any person who gratuitously and in good faith renders emergency care by use of
36 or provision of an automated external defibrillator shall not be held liable for any civil damages
37 **or subject to a criminal penalty** as a result of such care or treatment, unless the person acts in
38 a willful and wanton or reckless manner in providing the care, advice, or assistance. The person
39 or entity ~~[who]~~ **that** provides ~~[appropriate]~~ training to the person using an automated external
40 defibrillator, the person or entity responsible for the site where the automated external
41 defibrillator is located, **and** the person or entity that owns the automated external defibrillator~~;~~
42 ~~the person or entity that provided clinical protocol for automated external defibrillator sites or~~
43 ~~programs, and the licensed physician who reviews and approves the clinical protocol]~~ shall
44 likewise not be held liable for civil damages **or subject to a criminal penalty** resulting from the
45 use of an automated external defibrillator. ~~[Nothing in this section shall affect any claims brought~~
46 ~~pursuant to chapter 537 or 538.]~~

47 ~~[5-]~~ 4. All basic life support ambulances and stretcher vans operated in the state of
48 Missouri shall be equipped with an automated external defibrillator and be staffed by at least one
49 individual trained in the use of an automated external defibrillator.

50 ~~[6-]~~ 5. The provisions of this section shall apply in all counties within the state and any
51 city not within a county.

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and
2 staffed with volunteer staff, shall be staffed with a minimum of one emergency medical
3 technician and one other crew member who may be a licensed emergency medical technician,
4 registered nurse, **physician assistant, assistant physician**, physician, or someone who has an
5 emergency medical responder certification.

6 2. When transporting a patient, at least one licensed emergency medical technician,
7 registered nurse, **physician assistant, assistant physician**, or physician shall be in attendance
8 with the patient in the patient compartment at all times.

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

13 **4. For the purposes of this section, the geographic proximity requirement under**
14 **section 334.037 or 334.735 shall not apply.**

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
37 woman or her unborn child, in significant jeopardy;

38 (b) Serious impairment to a bodily function;

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

40 (d) Inadequately controlled pain;

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

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

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

55 (15) "Emergency medical services for children (EMS-C) system", the arrangement of
56 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
57 medical services required in prevention and management of incidents which occur as a result of
58 a medical emergency or of an injury event, natural disaster or similar situation;

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

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

66 (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
67 completed a course of instruction in basic life support as prescribed by the department and is
68 licensed by the department in accordance with standards prescribed by sections 190.001 to
69 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

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

73 (20) "Emergency medical technician-paramedic" or "EMT-P", a person who has
74 successfully completed a course of instruction in advanced life support care as prescribed by the
75 department and is licensed by the department in accordance with sections 190.001 to 190.245
76 and rules adopted by the department pursuant to sections 190.001 to 190.245;

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

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

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

85 (24) "Medical control", supervision provided by or under the direction of physicians, [e] ~~e~~
86 their designated registered nurse, **or a physician assistant**, including both online medical
87 control, instructions by radio, telephone, or other means of direct communications, and offline

88 medical control through supervision by treatment protocols, case review, training, and standing
89 orders for treatment;

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

92 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the
93 ambulance service or emergency medical response agency and who meets criteria specified by
94 the department by rules pursuant to sections 190.001 to 190.245;

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

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

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

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

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

112 (32) "Professional organization", any organized group or association with an ongoing
113 interest regarding emergency medical services. Such groups and associations could include those
114 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
115 communications specialists and instructors. Organizations could also represent the interests of
116 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
117 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
118 control services;

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

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

126 (35) "Regional EMS advisory committee", a committee formed within an emergency
127 medical services (EMS) region to advise ambulance services, the state advisory council on EMS
128 and the department;

129 (36) "Specialty care transportation", the transportation of a patient requiring the services
130 of an emergency medical technician-paramedic who has received additional training beyond the
131 training prescribed by the department. Specialty care transportation services shall be defined in
132 writing in the appropriate local protocols for ground and air ambulance services and approved
133 by the local physician medical director. The protocols shall be maintained by the local
134 ambulance service and shall define the additional training required of the emergency medical
135 technician-paramedic;

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

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

142 (39) "State EMS medical directors advisory committee", a subcommittee of the state
143 advisory council on emergency medical services formed to advise the state advisory council on
144 emergency medical services and the department on medical issues;

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

149 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
150 acute care and rehabilitative services for STEMI that requires immediate medical or surgical
151 intervention or treatment;

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

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

156 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
157 acute care services for stroke that potentially require immediate medical or surgical intervention
158 or treatment, and may include education, primary prevention, acute intervention, acute and

159 subacute management, prevention of complications, secondary stroke prevention, and
160 rehabilitative services;

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

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

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

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

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any
4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

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

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

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

27 (2) Is operated from a location or headquarters outside of Missouri in order to transport
28 patients who are picked up beyond the limits of Missouri to locations within or outside of
29 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
30 transportation to locations within Missouri, except as provided in subdivision (1) of this
31 subsection.

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

38 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
39 regulation not in conflict with such sections by any city not within a county, or at least as strict
40 as such sections by any county, municipality or political subdivision except that no such
41 regulations or ordinances shall be adopted by a political subdivision in a county with a
42 population of over nine hundred thousand inhabitants except by the county's governing body.

43 6. In a county with a population of over nine hundred thousand inhabitants, the
44 governing body of the county shall set the standards for all ambulance services which shall
45 comply with subsection 5 of this section. All such ambulance services must be licensed by the
46 department. The governing body of such county shall not prohibit a licensed ambulance service
47 from operating in the county, as long as the ambulance service meets county standards.

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

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

56 9. A political subdivision that is authorized to operate a licensed ambulance service may
57 establish, operate, maintain and manage its ambulance service, and select and contract with a
58 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
59 service.

60 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
61 2 of section 190.109, shall be construed to authorize any municipality or county which is located
62 within an ambulance district or a fire protection district that is authorized to provide ambulance

63 service to promulgate laws, ordinances or regulations related to the provision of ambulance
64 services. This provision shall not apply to any municipality or county which operates an
65 ambulance service established prior to August 28, 1998.

66 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
67 authorize any municipality or county which is located within an ambulance district or a fire
68 protection district that is authorized to provide ambulance service to operate an ambulance
69 service without a franchise in an ambulance district or a fire protection district that is authorized
70 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
71 provision shall not apply to any municipality or county which operates an ambulance service
72 established prior to August 28, 1998.

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

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

81 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
82 such service shall notify the department of the change in ownership within thirty days of such
83 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
84 ambulance service to verify compliance with the licensure standards of sections 190.001 to
85 190.245.

190.142. 1. (1) For applications submitted before the recognition of EMS personnel
2 licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall,
3 within a reasonable time after receipt of an application, cause such investigation as it deems
4 necessary to be made of the applicant for an emergency medical technician's license.

5 (2) For applications submitted after the recognition of EMS personnel licensure interstate
6 compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an
7 emergency medical technician in this state shall submit to a background check by the Missouri
8 state highway patrol and the Federal Bureau of Investigation through a process approved by the
9 department of health and senior services. Such processes may include the use of vendors or
10 systems administered by the Missouri state highway patrol. The department may share the
11 results of such a criminal background check with any emergency services licensing agency in any
12 member state, as that term is defined under section 190.900, in recognition of the EMS personnel
13 licensure interstate compact. The department shall not issue a license until the department

14 receives the results of an applicant's criminal background check from the Missouri state highway
15 patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the
16 department may issue a temporary license as provided under section 190.143. Any fees due for
17 a criminal background check shall be paid by the applicant.

18 (3) The director may authorize investigations into criminal records in other states for any
19 applicant.

20 2. The department shall issue a license to all levels of emergency medical technicians,
21 for a period of five years, if the applicant meets the requirements established pursuant to sections
22 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to
23 190.245. The department may promulgate rules relating to the requirements for an emergency
24 medical technician including but not limited to:

25 (1) Age requirements;

26 (2) Emergency medical technician and paramedic education and training requirements
27 based on respective National Emergency Medical Services Education Standards and any
28 modification to such curricula specified by the department through rules adopted pursuant to
29 sections 190.001 to 190.245;

30 (3) Paramedic accreditation requirements. Paramedic training programs shall be
31 accredited by the Commission on Accreditation of Allied Health Education Programs
32 (CAAHEP) or hold a CAAHEP letter of review;

33 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be
34 through the national registry of EMTs;

35 (5) Continuing education and relicensure requirements; and

36 (6) Ability to speak, read and write the English language.

37 3. Application for all levels of emergency medical technician license shall be made upon
38 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
39 190.245. The application form shall contain such information as the department deems
40 necessary to make a determination as to whether the emergency medical technician meets all the
41 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
42 to 190.245.

43 4. All levels of emergency medical technicians may perform only that patient care which
44 is:

45 (1) Consistent with the training, education and experience of the particular emergency
46 medical technician; and

47 (2) Ordered by a physician **or a physician assistant** or set forth in protocols approved
48 by the medical director.

49 5. No person shall hold themselves out as an emergency medical technician or provide
50 the services of an emergency medical technician unless such person is licensed by the
51 department.

52 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
53 under the authority delegated in this section shall become effective only if it complies with and
54 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
55 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
56 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
57 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
58 proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;

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

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical technician,
19 registered nurse, **physician assistant, assistant physician**, or physician who is currently
20 licensed, without restrictions, to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire either
22 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
23 technician license.

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001

3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 2. Any person or entity that employs or supervises a person's activities as an emergency
6 medical responder, emergency medical dispatcher, emergency medical technician, registered
7 nurse, **physician assistant, assistant physician**, or physician shall cooperate with the
8 department's efforts to monitor and enforce compliance by those individuals subject to the
9 requirements of sections 190.001 to 190.245.

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

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

15 (2) Crimes of violence; or

16 (3) Rape or sexual abuse.

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

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

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients
2 who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center.
3 Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

4 2. A physician or registered nurse authorized by a physician who has established verbal
5 communication with ambulance personnel shall instruct the ambulance personnel to transport
6 a severely ill or injured patient to the closest hospital or designated trauma, STEMI, or stroke
7 center, as determined according to estimated transport time whether by ground ambulance or air
8 ambulance, in accordance with transport protocol approved by the medical director and the
9 department of health and senior services, even when the hospital is located outside of the
10 ambulance service's primary service area. When initial transport from the scene of illness or
11 injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke, or severely
12 injured patient may be transported to the nearest appropriate facility for stabilization prior to
13 transport to a trauma, STEMI, or stroke center.

14 3. Transport of the STEMI, stroke, or severely injured patient shall be governed by
15 principles of timely and medically appropriate care; consideration of reimbursement mechanisms
16 shall not supersede those principles.

17 4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke
18 center shall be transported to and cared for at the hospital of their choice so long as such
19 ambulance service is not in violation of local protocols.

20 **5. Nothing in this section shall prohibit an ambulance service from creating and**
21 **implementing a protocol to triage emergency calls during a pandemic, provided that the**
22 **protocol has been approved by the ambulance service medical director and administrator.**

190.1005. Notwithstanding any other provision of law, any training or course in
2 **cardiopulmonary resuscitation shall also include instruction on the proper use of**
3 **automated external defibrillators. Such training or course shall follow the standards**
4 **created by the American Red Cross or the American Heart Association, or equivalent**
5 **evidence-based standards from a nationally recognized organization.**

191.255. 1. Notwithstanding any other provision of law to the contrary, no state
2 **agency, including employees therein, shall disclose to the federal government, any federal**
3 **government employee, or any unauthorized third party, the statewide list or any individual**
4 **information of persons who have applied for or obtained a medical marijuana card.**

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

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

- 5 (1) The actual or relative potential for abuse;
- 6 (2) The scientific evidence of its pharmacological effect, if known;
- 7 (3) The state of current scientific knowledge regarding the substance;
- 8 (4) The history and current pattern of abuse;
- 9 (5) The scope, duration, and significance of abuse;
- 10 (6) The risk to the public health;
- 11 (7) The potential of the substance to produce psychic or physiological dependence
12 liability; and
- 13 (8) Whether the substance is an immediate precursor of a substance already controlled
14 under this chapter.

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

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

21 4. If any substance is designated, rescheduled, or deleted as a controlled substance under
22 federal law and notice thereof is given to the department of health and senior services, the
23 department of health and senior services shall similarly control the substance under this chapter
24 ~~[after the expiration of]~~ **and shall submit emergency rules to the secretary of state under**
25 **section 536.025 within** thirty days ~~[from]~~ **of** publication in the federal register of a final order
26 designating a substance as a controlled substance or rescheduling or deleting a substance, unless
27 within that thirty-day period, the department of health and senior services objects to inclusion,
28 rescheduling, or deletion. In that case, the department of health and senior services shall publish
29 the reasons for objection and afford all interested parties an opportunity to be heard. At the
30 conclusion of the hearing, the department of health and senior services shall publish its decision,
31 which shall be final unless altered by statute. Upon publication of objection to inclusion,
32 rescheduling or deletion under this chapter by the department of health and senior services,
33 control under this chapter is stayed as to the substance in question until the department of health
34 and senior services publishes its decision. **If the department promulgates emergency rules**
35 **under this subsection, such rules may, notwithstanding the provisions of subsection 7 of**
36 **section 536.025, remain in effect until the general assembly concludes its next regular**
37 **session following the imposition of any such rules. The department shall clearly state if the**
38 **rules shall be in effect pursuant to this subsection or subsection 7 of section 536.025 in the**
39 **emergency statement filed with the secretary of state.**

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

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

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

3 (1) Has high potential for abuse; and
4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;
8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl (**N-(1-(1-methyl-2-phenethyl)-4-**

- 12 **pipe ridinyl)-N-phenylacetamide);**
 13 (b) Acetylmethadol;
 14 (c) **Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-**
 15 **phenylacetamide);**
 16 (d) **Acryl fentanyl (-(1-phenethylpiperidin-4-yl)-N-**
 17 **phenylacrylamide);**
 18 (e) **AH-7921(3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide);**
 19 (f) Allylprodine;
 20 [(e)] (g) **Alphacetylmethadol (except levoalphacetylmethadol, also known as levo-**
 21 **alpha-acetylmethadol levothadyl acetate or LAAM);**
 22 [(e)] (h) Alphameprodine;
 23 [(f)] (i) Alphamethadol;
 24 [(g)] (j) **Alpha-methylfentanyl (N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl)**
 25 **propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine);**
 26 [(h)] (k) **Alpha-methylthiofentanyl (N-(1-methyl-2-(2-thienyl) ethyl-4-piperidiny)-N-**
 27 **phenylpropanamide);**
 28 [(i)] (l) Benzethidine;
 29 [(j)] (m) Betacetylmethadol;
 30 [(k)] (n) **Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-**
 31 **pipe ridinyl)-N-phenylpropanamide);**
 32 [(l)] (o) **Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-**
 33 **phenethyl)-3-methyl-4-piperidiny)-N-phenylpropanamide);**
 34 [(m)] (p) Betameprodine;
 35 [(n)] (q) Betamethadol;
 36 [(o)] (r) Betaprodine;
 37 [(p)] (s) Clonitazene;
 38 [(q)] (t) Dextromoramide;
 39 [(r)] (u) Diampromide;
 40 (v) **Cyclopropyl fentanyl;**
 41 [(s)] (w) Diethylthiambutene;
 42 [(t)] (x) Difeno x in;
 43 [(u)] (y) Dimenoxadol;
 44 [(v)] (z) Dimepheptanol;
 45 [(w)] (aa) Dimethylthiambutene;
 46 [(x)] (bb) Dioxaphetyl butyrate;
 47 [(y)] (cc) Dipipanone;

- 48 [~~z~~] **(dd)** Ethylmethylthiambutene;
- 49 [~~aa~~] **(ee)** Etonitazene;
- 50 [~~bb~~] **(ff)** Etoxeridine;
- 51 **(gg)** 4-fluoroisobutyryl fentanyl –(4-fluorophenyl)-N-(1-
- 52 **phenethylpiperidin-4-yl)isobutyramide;**
- 53 **(hh)** Furanyl fentanyl –(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 54 [~~ee~~] **(ii)** Furethidine;
- 55 [~~dd~~] **(jj)** Hydroxypethidine;
- 56 [~~ee~~] **(kk)** Ketobemidone;
- 57 [~~ff~~] **(ll)** Levomoramide;
- 58 [~~gg~~] **(mm)** Levophenacymorphan;
- 59 [~~hh~~] **(nn)** 3-Methylfentanyl (N–(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 60 **phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;**
- 61 [~~ii~~] **(oo)** 3-Methylthiofentanyl (N–((3-methyl-1-(2-thienylethyl)-4-piperidinyl)-N-
- 62 **phenylpropanamide);**
- 63 **(pp)** Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-
- 64 **phenylacetamide);**
- 65 [~~jj~~] **(qq)** Morpheridine;
- 66 [~~kk~~] **(rr)** MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 67 **(ss)** MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
- 68 [~~ll~~] **(tt)** Noracymethadol;
- 69 [~~mm~~] **(uu)** Norlevorphanol;
- 70 [~~nn~~] **(vv)** Normethadone;
- 71 [~~oo~~] **(ww)** Norpipanone;
- 72 **(xx)** Ocfentanil N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-
- 73 **yl)acetamide;**
- 74 **(yy)** Ortho-fluorofentanyl (N-2-(1-phenethylpiperidin-yl)propionamide); **other**
- 75 **name 2-fluorofentanyl;**
- 76 **(zz)** para-fluorobutyryl fentanyl (N-4-fluorophenyl)-N-(1-phenethylpiperidin-4-
- 77 **yl)butyramide;**
- 78 [~~pp~~] **(aaa)** Para-fluorofentanyl (N–(4-fluorophenyl)-N-(1-(2-phenethyl)-4-
- 79 **piperidinyl) propanamide;**
- 80 [~~qq~~] **(bbb)** PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 81 [~~rr~~] **(ccc)** Phenadoxone;
- 82 [~~ss~~] **(ddd)** Phenampromide;
- 83 [~~tt~~] **(eee)** Phenomorphan;

84 [~~(uu)~~] **(fff)** Phenoperidine;

85 [~~(vv)~~] **(ggg)** Piritramide;

86 [~~(ww)~~] **(hhh)** Proheptazine;

87 [~~(xx)~~] **(iii)** Properidine;

88 [~~(yy)~~] **(jjj)** Propiram;

89 [~~(zz)~~] **(kkk)** Racemoramide;

90 **(III) Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-**
 91 **phenyltetrahydrofuran-2-carboxamide);**

92 [~~(aaa)~~] **(mmm)** Thiofentanyl (**-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-**
 93 **propanamide;**

94 [~~(bbb)~~] **(nnn)** Tilidine;

95 [~~(eee)~~] **(ooo)** Trimeperidine;

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

99 (a) Acetorphine;

100 (b) Acetyldihydrocodeine;

101 (c) Benzylmorphine;

102 (d) Codeine methylbromide;

103 (e) Codeine-N-Oxide;

104 (f) Cyprenorphine;

105 (g) Desomorphine;

106 (h) Dihydromorphine;

107 (i) Drotebanol;

108 (j) Etorphine (except hydrochloride salt);

109 (k) Heroin;

110 (l) Hydromorphenol;

111 (m) Methyldesorphine;

112 (n) Methyldihydromorphine;

113 (o) Morphine methylbromide;

114 (p) Morphine methylsulfonate;

115 (q) Morphine-N-Oxide;

116 (r) Myorphine;

117 (s) Nicocodeine;

118 (t) Nicomorphine;

119 (u) Normorphine;

- 120 (v) Pholcodine;
- 121 (w) Thebacon;
- 122 (4) **Any of the following opiate similar synthetic substances scheduled by the U.S.**
- 123 **Drug Enforcement Administration as substances that share a pharmacological profile**
- 124 **similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or**
- 125 **unless listed in another schedule:**
- 126 (a) **Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);**
- 127 (b) **U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-methyl benzamide).**
- 128 (5) Any material, compound, mixture or preparation which contains any quantity of the
- 129 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 130 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 131 the specific chemical designation:
- 132 (a) ~~4-bromo-2,5-dimethoxyamphetamine;~~
- 133 ~~(b) 4-bromo-2,5-dimethoxyphenethylamine;~~
- 134 ~~(c) 2,5-dimethoxyamphetamine;~~
- 135 ~~(d) 2,5-dimethoxy-4-ethylamphetamine]~~ **Alpha-ethyltryptamine;**
- 136 (b) **4-bromo-2,5-dimethoxyamphetamine;**
- 137 (c) **4-bromo-2,5-dimethoxyphenethylamine;**
- 138 (d) **2,5-dimethoxyamphetamine;**
- 139 ~~(e)~~ (e) **2,5-dimethoxy-4-ethylamphetamine;**
- 140 ~~(e)~~ (f) **2,5-dimethoxy-4-(n)-propylthiophenethylamine;**
- 141 ~~(f)~~ (g) **2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;**
- 142 (h) **2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;**
- 143 (i) **2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;**
- 144 (j) **2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;**
- 145 (k) **2-(2,5-Dimethoxyphenyl) ethanamine;**
- 146 (l) **2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;**
- 147 (m) **2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;**
- 148 (n) **2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;**
- 149 (o) **2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;**
- 150 (p) **4-methoxyamphetamine;**
- 151 ~~(g)~~ (q) **5-methoxy-3,4-methylenedioxyamphetamine;**
- 152 ~~(h)~~ (r) **4-methyl-2,5-dimethoxyamphetamine;**
- 153 ~~(i)~~ (s) **3,4-methylenedioxyamphetamine;**
- 154 ~~(j)~~ (t) **3,4-methylenedioxymethamphetamine;**
- 155 ~~(k)~~ (u) **3,4-methylenedioxy-N-ethylamphetamine;**

- 156 [Ⓕ] (v) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 157 [Ⓜ] (w) 3,4,5-trimethoxyamphetamine;
- 158 [Ⓢ] (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine~~[- its isomers, salts, and~~
- 159 ~~salts of isomers];~~
- 160 [~~o~~] ~~Alpha-ethyltryptamine;~~
- 161 [Ⓟ] (y) Alpha-methyltryptamine;
- 162 [Ⓠ] (z) Bufotenine;
- 163 [Ⓡ] (aa) Diethyltryptamine;
- 164 [Ⓢ] (bb) Dimethyltryptamine;
- 165 [Ⓣ] (cc) 5-methoxy-N,N-diisopropyltryptamine;
- 166 [Ⓤ] (dd) Ibogaine;
- 167 [Ⓥ] (ee) Lysergic acid diethylamide;
- 168 [~~w~~] (ff) Marijuana or marihuana, except industrial hemp;
- 169 [~~x~~] (gg) Mescaline;
- 170 [Ⓨ] (hh) Parahexyl;
- 171 [Ⓩ] (ii) Peyote, to include all parts of the plant presently classified botanically as
- 172 Lophophora [~~Williamsii~~] **williamsii** Lemaire, whether growing or not; the seeds thereof; any
- 173 extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture
- 174 or preparation of the plant, its seed or extracts;
- 175 [~~aa~~] (jj) N-ethyl-3-piperidyl benzilate;
- 176 [~~bb~~] (kk) N-methyl-3-piperidyl benzilate;
- 177 [~~cc~~] (ll) Psilocybin;
- 178 [~~dd~~] (mm) Psilocyn;
- 179 [~~ee~~] (nn) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
- 180 (cannabis plant), except industrial hemp, as well as synthetic equivalents of the substances
- 181 contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic
- 182 substances, derivatives~~[-]~~ and their isomers, **or both**, with similar chemical structure and
- 183 pharmacological activity to those substances contained in the plant, such as the following:
- 184 a. 1 cis or trans tetrahydrocannabinol~~[-]~~ and their optical isomers;
- 185 b. 6 cis or trans tetrahydrocannabinol~~[-]~~ and their optical isomers;
- 186 c. 3,4 cis or trans tetrahydrocannabinol~~[-]~~ and their optical isomers;
- 187 d. Any compounds of these structures, regardless of numerical designation of atomic
- 188 positions covered;
- 189 [Ⓩ] (oo) Ethylamine analog of phencyclidine;
- 190 [~~gg~~] (pp) Pyrrolidine analog of phencyclidine;
- 191 [~~hh~~] (qq) Thiophene analog of phencyclidine;

- 192 [~~(ii)~~] **(rr)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 193 [~~(jj)~~] **(ss)** Salvia divinorum;
- 194 [~~(kk)~~] **(tt)** Salvinorin A;
- 195 [~~(ll)~~] **(uu)** Synthetic cannabinoids:
- 196 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 197 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
- 198 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl
- 199 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
- 200 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited
- 201 to:
- 202 (i) **AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;**
- 203 (ii) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 204 [~~(ii)~~] **(iii)** JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 205 [~~(iii)~~] **(iv)** JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 206 [~~(iv)~~] **(v)** JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 207 [~~(v)~~] **(vi)** JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 208 [~~(vi)~~] **(vii)** JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 209 [~~(vii)~~] **(viii)** JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-
- 210 naphthoyl)indole;
- 211 [~~(viii)~~] **(ix)** JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 212 [~~(ix)~~] **(x)** JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 213 [~~(x)~~] **(xi)** JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 214 [~~(xi)~~] **(xii)** JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 215 [~~(xii)~~] **(xiii)** JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 216 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the
- 217 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 218 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
- 219 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any
- 220 extent;
- 221 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution
- 222 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
- 223 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or
- 224 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl
- 225 ring to any extent;
- 226 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the
- 227 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

228 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
229 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any
230 extent. Including, but not limited to:

231 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

232 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

233 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

234 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

235 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

236 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
237 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
238 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or
239 not substituted in the cyclohexyl ring to any extent. Including, but not limited to[:

240 ———(f) CP 47, 497 [&] and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-

241 5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6,
242 or 7;

243 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
244 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
245 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
246 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
247 any extent. Including, but not limited to:

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

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

250 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
251 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

252 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
253 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

254 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-
255 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

256 j. [~~CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
257 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;~~

258 ———k.] Dimethylheptylpyran, or DMHP;

259 [(5)] (6) Any material, compound, mixture or preparation containing any quantity of the
260 following substances having a depressant effect on the central nervous system, including their
261 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
262 isomers is possible within the specific chemical designation:

263 (a) Gamma-hydroxybutyric acid;

- 264 (b) Mecloqualone;
- 265 (c) Methaqualone;
- 266 ~~[(6)]~~ (7) Any material, compound, mixture or preparation containing any quantity of the
- 267 following substances having a stimulant effect on the central nervous system, including their
- 268 salts, isomers and salts of isomers:
- 269 (a) Aminorex;
- 270 (b) N-benzylpiperazine;
- 271 (c) Cathinone;
- 272 (d) Fenethylamine;
- 273 (e) 3-Fluoromethcathinone;
- 274 (f) 4-Fluoromethcathinone;
- 275 (g) Mephedrone, or 4-methylmethcathinone;
- 276 (h) Methcathinone;
- 277 (i) 4-methoxymethcathinone;
- 278 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
- 279 oxazolamine);
- 280 (k) Methylenedioxypropylone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
- 281 pyrrolidinyl)-1-pentanone);
- 282 (l) Methylenedioxypropylmethcathinone;
- 283 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 284 (n) N-ethylamphetamine;
- 285 (o) N,N-dimethylamphetamine;
- 286 (p) **Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22; QUPIC);**
- 287 (q) **Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-fluoro-PB-22; 5F-**
- 288 **PB-22);**
- 289 (r) **N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-**
- 290 **carboxamide (AB-FUBINACA);**
- 291 (s) **N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide**
- 292 **(ADB-PINACA);**
- 293 ~~[(7)]~~ (8) A temporary listing of substances subject to emergency scheduling under
- 294 federal law shall include any material, compound, mixture or preparation which contains any
- 295 quantity of the following substances:
- 296 (a) ~~[N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers,~~
- 297 ~~salts and salts of isomers;~~
- 298 ~~—(b)— N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its~~
- 299 ~~optical isomers, salts and salts of isomers] (1-pentyl-1*H*-indol-3-yl)(2,2,3,3-~~

- 300 tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and
301 salts of isomers;
- 302 (b) [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone,
303 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 304 (c) N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide, its optical, positional,
305 and geometric isomers, salts, and salts of isomers;
- 306 (d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
307 ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 308 (e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
309 ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 310 (f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)
311 ethanamine, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 312 (g) 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts,
313 and salts of isomers;
- 314 (h) 4-methyl- α -pyrrolidinopropiophenone, its optical, positional, and geometric
315 isomers, salts, and salts of isomers;
- 316 (i) α -pyrrolidinopentiophenone, its optical, positional, and geometric isomers,
317 salts, and salts of isomers;
- 318 (j) Butylone, its optical, positional, and geometric isomers, salts, and salts of
319 isomers;
- 320 (k) Pentedrone, its optical, positional, and geometric isomers, salts, and salts of
321 isomers;
- 322 (l) Pentylone, its optical, positional, and geometric isomers, salts, and salts of
323 isomers;
- 324 (m) Naphyrone, its optical, positional, and geometric isomers, salts, and salts of
325 isomers;
- 326 (n) α -pyrrolidinobutiophenone, its optical, positional, and geometric isomers,
327 salts, and salts of isomers;
- 328 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
329 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 330 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide,
331 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 332 (q) [1-(5-fluoropentyl)-1*H*-indazole-3-yl](naphthalen-1-yl)methanone, its optical,
333 positional, and geometric isomers, salts, and salts of isomers;
- 334 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide,
335 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

- 336 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and
337 geometric isomers, salts, and salts of isomers;
- 338 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
339 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 340 (u) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-
341 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
342 isomers;
- 343 (v) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
344 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 345 (w) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical,
346 positional, and geometric isomers, salts, and salts of isomers;
- 347 (x) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-
348 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 349 (y) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-
350 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
351 isomers;
- 352 (z) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-
353 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
354 isomers;
- 355 (aa) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers,
356 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 357 (bb) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
358 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 359 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers,
360 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 361 (dd) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide,
362 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 363 (ee) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
364 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 365 (ff) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
366 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 367 (gg) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers,
368 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 369 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters,
370 ethers, salts, and salts of isomers, esters, and ethers;

- 371 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers,
372 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 373 (jj) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of
374 isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not
375 otherwise listed under another Drug Enforcement Administration Controlled Substance
376 Code Number, and for which no exemption or approval is in effect under section 505 of the
377 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that is structurally related
378 to fentanyl by one or more of the following modifications:
- 379 a. Replacement of the phenyl portion of the phenethyl group by any monocycle,
380 whether or not further substituted in or on the monocycle;
- 381 b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl,
382 halo, haloalkyl, amino or nitro groups;
- 383 c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
384 hydroxyl, amino or nitro groups;
- 385 d. Replacement of the aniline ring with any aromatic monocycle, whether or not
386 further substituted in or on the aromatic monocycle; or
- 387 e. Replacement of the N-propionyl group by another acyl group;
- 388 (kk) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical,
389 positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);
- 390 (ll) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-
391 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
392 AB-PINACA);
- 393 (mm) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its
394 optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-
395 BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-
396 BINACA; SGT-78);
- 397 (nn) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate,
398 its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA,
399 AMB-CHMICA);
- 400 (oo) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-
401 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
402 CUMYL-P7AICA);
- 403 (pp) *N*-ethylpentylone, its optical, positional, and geometric isomers, salts, and salts
404 of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one;

- 405 **(qq) ethyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-**
406 **dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers**
407 **(trivial name: 5F-EDMB-PINACA);**
- 408 **(rr) methyl 2-(1-(5-fluoropentyl)-1*H*-indole-3-carboxamido)-3,3-dimethylbutanoate,**
409 **its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-**
410 **MDMB-PICA);**
- 411 **(ss) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamide, its optical,**
412 **positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48;**
413 **FUB-APINACA; AKB48 N-(4-FLUOROBENZYL));**
- 414 **(tt) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its**
415 **optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-**
416 **CUMYL-PINACA; SGT-25);**
- 417 **(uu) (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone,**
418 **its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-**
419 **144);**
- 420 **(vv) *N*-ethylhexedrone, its optical, positional, and geometric isomers, salts, and salts**
421 **of isomers (Other name: 2-(ethylamino)-1-phenylhexan-1-one);**
- 422 **(ww) *alpha*-pyrrolidinohexanophenone, its optical, positional, and geometric**
423 **isomers, salts, and salts of isomers (Other names: *alpha*-PHP; *alpha*-pyrrolidinohexiophenone;**
424 **1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one);**
- 425 **(xx) 4-methyl-*alpha*-ethylaminopentiofenone, its optical, positional, and geometric**
426 **isomers, salts, and salts of isomers; (Other names: 4-MEAP; 2-(ethylamino)-1-(4-**
427 **methylphenyl)pentan-1-one);**
- 428 **(yy) 4'-methyl-*alpha*-pyrrolidinohexiophenone, its optical, positional, and geometric**
429 **isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-*alpha*-**
430 **pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);**
- 431 **(zz) *alpha*-pyrrolidinoheptaphenone, its optical, positional, and geometric isomers,**
432 **salts, and salts of isomers (Other names: PV8; 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one);**
- 433 **(aaa) 4'-chloro-*alpha*-pyrrolidinovalerophenone, its optical, positional, and**
434 **geometric isomers, salts, and salts of isomers (Other names: 4-chloro-*alpha*-PVP; 4'-chloro-**
435 ***alpha*-pyrrolidinopentiofenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);**
- 436 **[(8)] (9) Khat, to include all parts of the plant presently classified botanically as catha**
437 **edulis, whether growing or not; the seeds thereof; any extract from any part of such plant; and**
438 **every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or**
439 **extracts.**

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

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

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

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

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

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

450 (a) Opium and opiate; and any salt, compound, derivative or preparation of opium or
451 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
452 nalmeffene, **naloxegol**, naloxone, and naltrexone, and their respective salts, but including the
453 following:

454 a. Raw opium;

455 b. Opium extracts;

456 c. Opium fluid;

457 d. Powdered opium;

458 e. Granulated opium;

459 f. Tincture of opium;

460 g. Codeine;

461 h. **Dihydroetorphine;**

462 i. Ethylmorphine;

463 ~~[j.]~~ j. Etorphine hydrochloride;

464 ~~[k.]~~ k. Hydrocodone;

465 ~~[l.]~~ l. Hydromorphone;

466 ~~[m.]~~ m. Metopon;

467 ~~[n.]~~ n. Morphine;

468 ~~[o.]~~ o. **Oripavine;**

469 p. Oxycodone;

470 ~~[q.]~~ q. Oxymorphone;

471 ~~[r.]~~ r. Thebaine;

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

475 (c) Opium poppy and poppy straw;

476 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
 477 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
 478 with any of these substances, but not including **the following**:

479 **a.** Decocainized coca leaves or extractions **of coca leaves**, which **extractions** do not
 480 contain cocaine or ecgonine; **or**

481 **b. Ioflupane;**

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

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

487 (a) Alfentanil;

488 (b) Alphaprodine;

489 (c) Anileridine;

490 (d) Bezitramide;

491 (e) Bulk dextropropoxyphene;

492 (f) Carfentanil;

493 (g) Dihydrocodeine;

494 (h) Diphenoxylate;

495 (i) Fentanyl;

496 (j) Isomethadone;

497 (k) Levo-alphaacetylmethadol;

498 (l) Levomethorphan;

499 (m) Levorphanol;

500 (n) Metazocine;

501 (o) Methadone;

502 (p) ~~Meperidine~~;

503 ~~——~~ (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

504 [(±)] (q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
 505 1-diphenylpropane-carboxylic acid;

506 [(s)] (r) Pethidine (meperidine);

507 [(±)] (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

508 [(±)] (t) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
 509 carboxylate;

510 [(±)] (u) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
 511 carboxylic acid;

- 512 [~~w~~] (v) Phenazocine;
- 513 [~~x~~] (w) Piminodine;
- 514 [~~y~~] (x) Racemethorphan;
- 515 [~~z~~] (y) Racemorphan;
- 516 [~~aa~~] (z) Remifentanil;
- 517 [~~bb~~] (aa) Sufentanil;
- 518 [~~cc~~] (bb) Tapentadol;
- 519 **(cc) Thiafentanil;**
- 520 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 521 following substances having a stimulant effect on the central nervous system:
- 522 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 523 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 524 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 525 (d) Phenmetrazine and its salts;
- 526 (e) Methylphenidate;
- 527 (4) Any material, compound, mixture, or preparation which contains any quantity of the
- 528 following substances having a depressant effect on the central nervous system, including its salts,
- 529 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
- 530 is possible within the specific chemical designation:
- 531 (a) Amobarbital;
- 532 (b) Glutethimide;
- 533 (c) Pentobarbital;
- 534 (d) Phencyclidine;
- 535 (e) Secobarbital;
- 536 (5) [~~Any material or compound which contains any quantity of nabilone~~] **Hallucinogenic**
- 537 **substances:**
- 538 (a) **Any material or compound which contains any quantity of nabilone;**
- 539 (b) **Dronabinol [(-)- Δ -9-trans tetrahydrocannabinol] in an oral solution in a drug**
- 540 **product approved for marketing by the U.S. Food and Drug Administration;**
- 541 (6) Any material, compound, mixture, or preparation which contains any quantity of the
- 542 following substances:
- 543 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 544 (b) Immediate precursors to phencyclidine (PCP):
- 545 a. 1-phenylcyclohexylamine;
- 546 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 547 (c) **Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);**

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

550 (a) Amyl nitrite;

551 (b) Butyl nitrite.

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

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

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

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

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

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

564 (a) Benzphetamine;

565 (b) Chlorphentermine;

566 (c) Clortermine;

567 (d) Phendimetrazine;

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

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

572 a. Amobarbital;

573 b. Secobarbital;

574 c. Pentobarbital;

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

576 a. Amobarbital;

577 b. Secobarbital;

578 c. Pentobarbital;

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

581 (d) Chlorhexadol;

582 (e) Embutramide;

- 583 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
584 a drug product for which an application has been approved under Section 505 of the federal
585 Food, Drug, and Cosmetic Act;
- 586 (g) Ketamine, its salts, isomers, and salts of isomers;
- 587 (h) Lysergic acid;
- 588 (i) Lysergic acid amide;
- 589 (j) Methyprylon;
- 590 (k) **Perampanel, and its salts, isomers, and salts of isomers;**
- 591 (l) Sulfondiethylmethane;
- 592 ~~[(f)]~~ (m) Sulfonethylmethane;
- 593 ~~[(m)]~~ (n) Sulfonmethane;
- 594 ~~[(n)]~~ (o) Tiletamine and zolazepam or any salt thereof;
- 595 (3) Nalorphine;
- 596 (4) Any material, compound, mixture, or preparation containing limited quantities of any
597 of the following narcotic drugs or their salts:
- 598 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
599 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
600 of opium;
- 601 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
602 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
603 therapeutic amounts;
- 604 ~~(c) [Not more than three hundred milligrams of hydrocodone per one hundred milliliters~~
605 ~~or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an~~
606 ~~isoquinoline alkaloid of opium;~~
- 607 ~~——(d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters~~
608 ~~or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic~~
609 ~~ingredients in recognized therapeutic amounts;~~
- 610 ~~——(e)] Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more~~
611 ~~than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in~~
612 ~~recognized therapeutic amounts;~~
- 613 ~~[(f)]~~ (d) Not more than three hundred milligrams of ethylmorphine per one hundred
614 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
615 nonnarcotic ingredients in recognized therapeutic amounts;
- 616 ~~[(g)]~~ (e) Not more than five hundred milligrams of opium per one hundred milliliters
617 or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or
618 more active nonnarcotic ingredients in recognized therapeutic amounts;

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

622 (5) Any material, compound, mixture, or preparation containing any of the following
 623 narcotic drugs or their salts, ~~as set forth in subdivision (6) of this subsection;~~ : Buprenorphine;

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

634 (a) ~~[3 β ,17-dihydroxy-5 α -androstane]~~ **3 β ,17 β -dihydroxy-5 α -androstane;**

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

636 (c) 5 α -androstane-3,17-dione;

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

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

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

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

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

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

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

644 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

645 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);

646 (m) Boldione;

647 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

648 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

649 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-
 650 androst-1,4-dien-3-one);

651 (q) Desoxymethyltestosterone;

652 (r) ~~[\Delta¹-dihydrotestosterone (a.k.a. '1-testosterone')]~~(17 β -hydroxy-5 α -
 653 androst-1-en-3-one);

654 ~~———~~(s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);

- 655 [(‡)] (s) Drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);
- 656 [(‡)] (t) Ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);
- 657 [(‡)] (u) Fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost
- 658 -4-en-3-one);
- 659 [(w)] (v) Formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost
- 660 -1,4-dien-3-one);
- 661 [(x)] (w) Furazabol (17α-methyl-17β-hydroxyandrostan[2,3-c]-furan);
- 662 [(y)] (x) 13β-ethyl-17β-hydroxygon-4-en-3-one;
- 663 [(z)] (y) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);
- 664 [(aa)] (z) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);
- 665 [(bb)] (aa) Mestanolone [~~(17α-methyl-17β-hydroxy-5-androstan-3-one)~~]
- 666 **(17α-methyl-17β-hydroxy-5α-androstan-3-one);**
- 667 [(cc)] (bb) Mesterolone [~~(17α-methyl-17β-hydroxy-5α-androstan-3-one)~~] **(1α-**
- 668 **methyl-17β-hydroxy-5α-androstan-3-one);**
- 669 [(dd)] (cc) Methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-
- 670 one);
- 671 [(ee)] (dd) Methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);
- 672 [(ff)] (ee) **Methasterone (2α,17α-dimethyl-5α-androstan-17β-ol-3-one);**
- 673 (ff) Methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);
- 674 (gg) 17α-methyl-3β,17β-dihydroxy-5α-androstane);
- 675 (hh) 17α-methyl-3α,17β-dihydroxy-5α-androstane);
- 676 (ii) 17α-methyl-3β,17β-dihydroxyandrost-4-ene;
- 677 (jj) 17α-methyl-4-hydroxynandrolone (17α-methyl-4-hydroxy-17β-
- 678 hydroxyestr-4-en-3-one);
- 679 (kk) Methyldienolone (17α-methyl-17β-hydroxyestra-4,9(10)-dien-3-one);
- 680 (ll) [~~Methyltrienolone (17α-methyl-17β-hydroxyestra-4,9,11-trien-3-one)~~]
- 681 Methyltrienolone (17α-methyl-17β-hydroxyestra-4,9,11-trien-3-one);
- 682 (mm) Methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);
- 683 (nn) Mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);
- 684 (oo) 17α-methyl-Δ¹-dihydrotestosterone (17β-hydroxy-17α-methyl-5α-
- 685 androst-1-en-3-one) (a.k.a. '17-α-methyl-1-testosterone');
- 686 (pp) Nandrolone (17β-hydroxyestr-4-ene-3-one);
- 687 (qq) 19-nor-4-androstenediol (3β,17β-dihydroxyestr-4-ene);
- 688 (rr) 19-nor-4-androstenediol (3α,17β-dihydroxyestr-4-ene);
- 689 (ss) 19-nor-4,9(10)-androstadienedione **(estra-4,9(10)-diene-3,17-dione);**
- 690 (tt) 19-nor-5-androstenediol (3β,17β-dihydroxyestr-5-ene);

- 691 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 692 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 693 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 694 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 695 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 696 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 697 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 698 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 699 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 700 (ddd) ~~[Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-~~
- 701 ~~[5 α]-androstan-3-one)]~~ **Oxymetholone (17 α -methyl-2-hydroxymethylene-**
- 702 **17 β -hydroxy-[5 α]-androstan-3-one);**
- 703 (eee) **Prostanozol (17 β -hydroxy-5 α -androstan[3,2-c]pyrazole);**
- 704 (fff) **Stanolone (Δ 1-dihydrotestosterone (a.k.a. 1-testosterone)**
- 705 **(17 β -hydroxy-5 α -androst-1-en-3-one));**
- 706 (ggg) Stanazolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]
- 707 -pyrazole);
- 708 [~~hhh~~] **(hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);**
- 709 [~~ggg~~] **(iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-**
- 710 **17-oic acid lactone);**
- 711 [~~hhh~~] **(jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);**
- 712 [~~kkk~~] **(kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,**
- 713 **11-trien-3-one);**
- 714 [~~jjj~~] **(lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**
- 715 [~~kkk~~] **(mmm) Any salt, ester, or ether of a drug or substance described or listed in this**
- 716 **subdivision, except an anabolic steroid which is expressly intended for administration through**
- 717 **implants to cattle or other nonhuman species and which has been approved by the Secretary of**
- 718 **Health and Human Services for that administration;**
- 719 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
- 720 United States Food and Drug Administration approved drug product;
- 721 (8) The department of health and senior services may except by rule any compound,
- 722 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
- 723 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
- 724 195.320 if the compound, mixture, or preparation contains one or more active medicinal
- 725 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
- 726 admixtures are included therein in combinations, quantity, proportion, or concentration that

727 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
728 the central nervous system.

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

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

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

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

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

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

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

742 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
743 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

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

752 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
753 or per one hundred grams;

754 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
755 or per one hundred grams;

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

759 (a) **Alfaxalone;**

760 (b) Alprazolam;

761 ~~(b)~~ (c) Barbitol;

762 ~~(c)~~ (d) Bromazepam;

763	[(d)] (e) Camazepam;
764	[(e)] (f) Carisoprodol ;
765	(g) Chloral betaine;
766	[(f)] (h) Chloral hydrate;
767	[(g)] (i) Chlordiazepoxide;
768	[(h)] (j) Clobazam;
769	[(i)] (k) Clonazepam;
770	[(j)] (l) Clorazepate;
771	[(k)] (m) Clotiazepam;
772	[(l)] (n) Cloxazolam;
773	[(m)] (o) Delorazepam;
774	[(n)] (p) Diazepam;
775	[(o)] (q) Dichloralphenazone;
776	[(p)] (r) Estazolam;
777	[(q)] (s) Ethchlorvynol;
778	[(r)] (t) Ethinamate;
779	[(s)] (u) Ethyl loflazepate;
780	[(t)] (v) Fludiazepam;
781	[(u)] (w) Flunitrazepam;
782	[(v)] (x) Flurazepam;
783	[(w)] (y) Fospropofol;
784	[(x)] (z) Halazepam;
785	[(y)] (aa) Haloxazolam;
786	[(z)] (bb) Ketazolam;
787	[(aa)] (cc) Loprazolam;
788	[(bb)] (dd) Lorazepam;
789	[(cc)] (ee) Lormetazepam;
790	[(dd)] (ff) Mebutamate;
791	[(ee)] (gg) Medazepam;
792	[(ff)] (hh) Meprobamate;
793	[(gg)] (ii) Methohexital;
794	[(hh)] (jj) Methylphenobarbital (mephobarbital);
795	[(ii)] (kk) Midazolam;
796	[(jj)] (ll) Nimetazepam;
797	[(kk)] (mm) Nitrazepam;
798	[(ll)] (nn) Nordiazepam;

- 799 [~~(mm)~~] **(oo)** Oxazepam;
 800 [~~(nn)~~] **(pp)** Oxazolam;
 801 [~~(oo)~~] **(qq)** Paraldehyde;
 802 [~~(pp)~~] **(rr)** Petrichloral;
 803 [~~(qq)~~] **(ss)** Phenobarbital;
 804 [~~(rr)~~] **(tt)** Pinazepam;
 805 [~~(ss)~~] **(uu)** Prazepam;
 806 [~~(tt)~~] **(vv)** Quazepam;
 807 [~~(uu)~~] **(ww)** **Suvorexant**;
 808 **(xx)** Temazepam;
 809 [~~(vv)~~] **(yy)** Tetrazepam;
 810 [~~(ww)~~] **(zz)** Triazolam;
 811 [~~(xx)~~] **(aaa)** Zaleplon;
 812 [~~(yy)~~] **(bbb)** Zolpidem;
 813 [~~(zz)~~] **(ccc)** Zopiclone;

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

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

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

- 823 (a) Cathine ((+)-norpseudoephedrine);
 824 (b) Diethylpropion;
 825 (c) Fencamfamin;
 826 (d) Fenproporex;
 827 (e) Mazindol;
 828 (f) Mefenorex;
 829 (g) Modafinil;
 830 (h) Pemoline, including organometallic complexes and chelates thereof;
 831 (i) Phentermine;
 832 (j) Pipradrol;
 833 (k) Sibutramine;
 834 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

835 [~~(5)~~] **(6)** Any material, compound, mixture or preparation containing any quantity of the
836 following substance, including its salts:

837 (a) Butorphanol **(including its optical isomers)**;

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

841 (c) Pentazocine;

842 [~~(6)~~] **(7)** Ephedrine, its salts, optical isomers and salts of optical isomers, when the
843 substance is the only active medicinal ingredient;

844 [~~(7)~~] **(8)** The department of health and senior services may except by rule any
845 compound, mixture, or preparation containing any depressant substance listed in subdivision (1)
846 of this subsection from the application of all or any part of sections 195.010 to 195.320 and
847 sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more
848 active medicinal ingredients not having a depressant effect on the central nervous system, and
849 if the admixtures are included therein in combinations, quantity, proportion, or concentration that
850 vitiate the potential for abuse of the substances which have a depressant effect on the central
851 nervous system.

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

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

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

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

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

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

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

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

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

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

875 (3) Any compound, mixture, or preparation containing any detectable quantity of
876 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
877 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
878 isomers, or salts of optical isomers;

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

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

884 (b) **Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl**
885 **ester];**

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

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

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

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

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

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

904 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
905 any person, prior to such person's purchasing, receiving or otherwise acquiring such compound,

906 mixture, or preparation to furnish suitable photo identification that is issued by a state or the
907 federal government or a document that, with respect to identification, is considered acceptable
908 and showing the date of birth of the person;

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

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

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

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

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

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

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

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

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

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

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

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

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

942 20. The department of health and senior services shall promulgate rules under chapter
943 536 regarding the security and storage of Schedule V controlled substances, as described in
944 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
945 of health and senior services.

946 21. Logs of transactions required to be kept and maintained by this section and section
947 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
948 the person whose transactions are recorded in the logs.

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

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

9 (1) The sole active ingredient; or

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

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

13 in any total amount greater than ~~nine~~ **seven and two-tenths** grams, without regard to the
14 number of transactions.

15 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered
16 pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no
17 person shall purchase, receive, or otherwise acquire more than the following amount: any
18 number of packages of any drug product containing any detectable amount of ephedrine,
19 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
20 optical isomers, either as:

21 (1) The sole active ingredient; or

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

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

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

27 4. All packages of any compound, mixture, or preparation containing any detectable
28 quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical
29 isomers, or salts of optical isomers, except those that are excluded from Schedule V in

30 subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy
31 counter where the public is not permitted, and only by a registered pharmacist or registered
32 pharmacy technician under section 195.017.

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

36 6. **No prescription shall be required for the dispensation, sale, or distribution of any**
37 **drug product containing any detectable amount of ephedrine, phenylpropanolamine, or**
38 **pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in an**
39 **amount within the limits described in subsections 2 and 3 of this section; provided, that a**
40 **valid prescription shall be required for amounts in excess of such limits. The provisions**
41 **of this subsection shall not apply in any calendar year in which the methamphetamine**
42 **laboratory seizure incidents in this state, as reported by the division of drug and crime**
43 **control within the Missouri state highway patrol, exceed three hundred incidents for the**
44 **most recent calendar year for which such data is reported by the division and made**
45 **publicly available.**

46 7. This section shall supersede and preempt any local ordinances or regulations,
47 including any ordinances or regulations enacted by any political subdivision of the state. This
48 section shall not apply to the sale of any animal feed products containing ephedrine or any
49 naturally occurring or herbal ephedra or extract of ephedra.

50 [7-] 8. All logs, records, documents, and electronic information maintained for the
51 dispensing of these products shall be open for inspection and copying by municipal, county, and
52 state or federal law enforcement officers whose duty it is to enforce the controlled substances
53 laws of this state or the United States.

54 [8-] 9. All persons who dispense or offer for sale pseudoephedrine and ephedrine
55 products, except those that are excluded from Schedule V in subsection 17 or 18 of section
56 195.017, shall ensure that all such products are located only behind a pharmacy counter where
57 the public is not permitted.

58 [9-] 10. The penalty for a knowing or reckless violation of this section is found in
59 section 579.060.

195.805. 1. No edible marijuana-infused product sold in Missouri pursuant to
2 **Article XIV of the Missouri Constitution shall be designed, produced, or marketed in a**
3 **manner that is designed to appeal to persons under eighteen years of age, including, but**
4 **not limited to, the following:**

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

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

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

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

19 **4. The department shall promulgate rules and regulations regarding edible**
20 **marijuana-infused products designed to appeal to persons under eighteen years of age, as**
21 **well as promulgate rules and regulations to establish a process by which a licensed or**
22 **certified entity may seek approval of an edible product design, package, or label prior to**
23 **such product's manufacture or sale in order to determine compliance with the provisions**
24 **of this section and any rules promulgated pursuant to this section. Any rule or portion of**
25 **a rule, as that term is defined in section 536.010 that is created under the authority**
26 **delegated in this section shall become effective only if it complies with and is subject to all**
27 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**
28 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
29 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
30 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
31 **any rule proposed or adopted after August 28, 2020, shall be invalid and void.**

195.815. 1. The department of health and senior services shall require all officers,
2 **managers, contractors, employees, and other support staff of licensed or certified medical**
3 **marijuana facilities, and all owners of such medical marijuana facilities with access to the**
4 **facilities or to the facilities' medical marijuana, to submit fingerprints to the Missouri state**
5 **highway patrol for the purpose of conducting state and federal fingerprint-based criminal**
6 **background checks.**

7 **2. The department shall require that such fingerprint submissions be made as a**
8 **part of a medical marijuana facility application for licensure or certification and an**
9 **individual's application for an identification card authorizing such individual to be an**
10 **owner, officer, manager, contractor, employee, or other support staff of a medical**
11 **marijuana facility.**

12 **3. Fingerprint cards and any required fees shall be sent to the Missouri state**
13 **highway patrol's central repository. The fingerprints shall be used for searching the state**
14 **criminal history repository and shall also be forwarded to the Federal Bureau of**
15 **Investigation for the searching of the federal criminal history files under section 43.540.**
16 **The Missouri state highway patrol shall notify the department of any criminal history**
17 **information or lack of criminal history information on the individual. Notwithstanding**
18 **the provisions of section 610.120, all records related to any criminal history information**
19 **shall be available to the department.**

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

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

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

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

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

26 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
27 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
28 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
29 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
30 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with
31 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
32 child under the general law.

33 5. The juvenile officer may consult with the office of prosecuting attorney concerning
34 any offense for which the child could be certified as an adult under this section. The prosecuting
35 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
36 officer, statements of witnesses and all other records or reports relating to the offense alleged to
37 have been committed by the child. The prosecuting or circuit attorney shall have access to the
38 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
39 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
40 regarding the child and the offense until the juvenile court at a judicial hearing has determined
41 that the child is not a proper subject to be dealt with under the provisions of this chapter.

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

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

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

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

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

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

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

58 (7) The age of the child;

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

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

62 (10) Racial disparity in certification.

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

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

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

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

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

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

72 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
73 the general law and the prosecution of the child results in a conviction, the jurisdiction of the
74 juvenile court over that child is forever terminated, except as provided in subsection 10 of this
75 section, for an act that would be a violation of a state law or municipal ordinance.

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

81 11. If the court does not dismiss the petition to permit the child to be prosecuted under
82 the general law, it shall set a date for the hearing upon the petition as provided in section
83 211.171.

211.071. 1. If a petition alleges that a child between the ages of twelve and seventeen
2 has committed an offense which would be considered a felony if committed by an adult, the court
3 may, upon its own motion or upon motion by the juvenile officer, the child or the child's
4 custodian, order a hearing and may, in its discretion, dismiss the petition and such child may be
5 transferred to the court of general jurisdiction and prosecuted under the general law; except that
6 if a petition alleges that any child has committed an offense which would be considered first
7 degree murder under section 565.020, second degree murder under section 565.021, first degree
8 assault under section 565.050, forcible rape under section 566.030 as it existed prior to August

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

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

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

24 4. Written notification of a transfer hearing shall be given to the juvenile and his or her
25 custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
26 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of the
27 hearing is to determine whether the child is a proper subject to be dealt with under the provisions
28 of this chapter, and that if the court finds that the child is not a proper subject to be dealt with
29 under the provisions of this chapter, the petition will be dismissed to allow for prosecution of the
30 child under the general law.

31 5. The juvenile officer may consult with the office of prosecuting attorney concerning
32 any offense for which the child could be certified as an adult under this section. The prosecuting
33 or circuit attorney shall have access to police reports, reports of the juvenile or deputy juvenile
34 officer, statements of witnesses and all other records or reports relating to the offense alleged to
35 have been committed by the child. The prosecuting or circuit attorney shall have access to the
36 disposition records of the child when the child has been adjudicated pursuant to subdivision (3)
37 of subsection 1 of section 211.031. The prosecuting attorney shall not divulge any information
38 regarding the child and the offense until the juvenile court at a judicial hearing has determined
39 that the child is not a proper subject to be dealt with under the provisions of this chapter.

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

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

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

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

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

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

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

56 (7) The age of the child;

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

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

60 (10) Racial disparity in certification.

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

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

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

65 (3) Findings showing that the hearing was held in the presence of the child and his
66 counsel; and

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

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

70 9. When a petition has been dismissed thereby permitting a child to be prosecuted under
71 the general law and the prosecution of the child results in a conviction, the jurisdiction of the
72 juvenile court over that child is forever terminated, except as provided in subsection 10 of this
73 section, for an act that would be a violation of a state law or municipal ordinance.

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

79 11. If the court does not dismiss the petition to permit the child to be prosecuted under
80 the general law, it shall set a date for the hearing upon the petition as provided in section
81 211.171.

211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033,
2 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321,
3 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, [~~2024~~] **2022**.

217.697. 1. Notwithstanding any other provision of law, any offender who:

2 **(1) Is incarcerated in a correctional facility after being sentenced by a court of this**
3 **state;**

4 **(2) Is serving a sentence of life without parole for a minimum of fifty years or more**
5 **and who was sentenced under section 565.008 for an offense committed prior to October**
6 **1, 1984;**

7 **(3) Is sixty-five years of age or older;**

8 **(4) Has no felony conviction for a dangerous felony, as defined under section**
9 **556.061, prior to the conviction for which he or she is currently incarcerated; and**

10 **(5) Is not a convicted sex offender**

11

12 **shall receive a parole hearing upon serving thirty years or more of his or her sentence.**

13 **2. During the parole hearing required under subsection 1 of this section, the parole**
14 **board shall determine whether there is a reasonable probability the offender shall live and**
15 **remain at liberty without violating the law upon release. If the board determines a**
16 **reasonable probability exists, the offender shall be eligible for release upon a finding that**
17 **the offender has:**

18 **(1) A record of good conduct while incarcerated;**

19 **(2) Demonstrated self-rehabilitation while incarcerated;**

20 **(3) A workable parole plan, including community and family support; and**

21 **(4) An institutional risk factor score and a mental health score determined to be**
22 **appropriate by the parole board.**

23 **3. Any offender granted parole under this section shall be subject to a minimum**
24 **of five years of supervision by the division of probation and parole upon release.**

25 **4. Nothing in this section shall diminish the consideration of parole under any other**
26 **provision of law applicable to the offender or the responsibility and authority of the**
27 **governor to grant clemency, including pardons and commutation of sentences if necessary**
28 **or desirable.**

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

5. In appropriate cases as determined by a risk assessment, the board may terminate the supervision of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

6. In accordance with section 217.040, the board may adopt rules relating to supervision and electronic monitoring of offenders under this section.

7. If an offender subject to lifetime supervision under this section is supervised during the offender's probation, parole, or conditional release in a receiving state under the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following completion of probation, parole, or conditional release the offender shall be permitted to remain in the receiving state, and the board shall defer to the standards of supervision of the receiving state, including electronic monitoring. If at any time the offender returns to Missouri for more than thirty consecutive days, the offender shall be subject to lifetime supervision required by this section.

217.850. 1. A person commits the offense of unlawful use of unmanned aircraft over a correctional center if he or she purposely:

- 3 **(1) Operates an unmanned aircraft within a vertical distance of four hundred feet**
4 **over a correctional center's secure perimeter fence; or**
- 5 **(2) Allows an unmanned aircraft to make contact with a correctional center,**
6 **including any person or object on the premises of or within the facility.**
- 7 **2. For purposes of this section, "correctional center" shall include:**
- 8 **(1) Any correctional center as defined in section 217.010;**
9 **(2) Any private jail as defined in section 221.095; and**
10 **(3) Any county or municipal jail.**
- 11 **3. The provisions of this section shall not prohibit the operation of an unmanned**
12 **aircraft by:**
- 13 **(1) An employee of the correctional center at the direction of the chief**
14 **administrative officer of the facility;**
- 15 **(2) A person who has written consent from the chief administrative officer of the**
16 **facility;**
- 17 **(3) An employee of a law enforcement agency, fire department, or emergency**
18 **medical service in the exercise of official duties;**
- 19 **(4) A government official or employee in the exercise of official duties;**
20 **(5) A public utility or a rural electric cooperative if:**
- 21 **(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or**
22 **maintaining utility transmission or distribution lines or other utility equipment or**
23 **infrastructure;**
- 24 **(b) The utility notifies the correctional center before flying the unmanned aircraft,**
25 **except during an emergency; and**
- 26 **(c) The person operating the unmanned aircraft does not physically enter the**
27 **prohibited space without an escort provided by the correctional center;**
- 28 **(6) An employee of a railroad in the exercise of official duties on any land owned**
29 **or operated by a railroad corporation regulated by the Federal Railroad Administration;**
30 **or**
- 31 **(7) A person operating an unmanned aircraft pursuant to and in compliance with**
32 **any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.**
- 33 **4. The offense of unlawful use of unmanned aircraft over a correctional center shall**
34 **be punishable as an infraction unless the person uses an unmanned aircraft for the purpose**
35 **of:**
- 36 **(1) Delivering a gun, knife, weapon, or other article that may be used in such**
37 **manner to endanger the life of an offender or correctional center employee, in which case**
38 **the offense is a class B felony;**

39 **(2) Facilitating an escape from confinement under section 575.210, in which case**
40 **the offense is a class C felony; or**

41 **(3) Delivering a controlled substance, as that term is defined under section 195.010,**
42 **in which case the offense is a class D felony.**

43 **5. Each correctional center shall post a sign warning of the provisions of this**
44 **section. The sign shall be at least eleven inches by fourteen inches and posted in a**
45 **conspicuous place.**

221.111. 1. A person commits the offense of possession of unlawful items in a prison
2 or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in
3 or about the premises of any correctional center as the term "correctional center" is defined under
4 section 217.010, or any city, county, or private jail:

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

7 (2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating
8 liquor is defined in section 311.020;

9 (3) Any article or item of personal property which a prisoner is prohibited by law, by rule
10 made pursuant to section 221.060, or by regulation of the department of corrections from
11 receiving or possessing, except as herein provided;

12 (4) Any gun, knife, weapon, or other article or item of personal property that may be
13 used in such manner as to endanger the safety or security of the institution or as to endanger the
14 life or limb of any prisoner or employee thereof; **or**

15 **(5) Any two-way telecommunications device or the component parts thereof.**

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

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

30 4. Any person who has been found guilty of a violation of subdivision (2) of subsection
31 1 of this section involving any alkaloid shall be entitled to expungement of the record of the
32 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record
33 of any person shall not be expunged if such person has been found guilty of knowingly
34 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any
35 controlled substance in or about the premises of any correctional center, or city or county jail,
36 or private prison or jail.

37 5. Subdivision (5) of subsection 1 of this section shall not apply to:

38 (1) Any law enforcement officer employed by a state agency, federal agency, or political
39 subdivision lawfully engaged in his or her duties as a law enforcement officer;

40 (2) Any person authorized by the correctional center or city, county, or private jail to
41 possess or use a two-way telecommunications device in the correctional center or city, county,
42 or private jail; or

43 (3) Any person who is not an inmate possessing a two-way telecommunications device
44 or the component parts thereof in a correctional center or city, county, or private jail if such
45 person lawfully acts without intent to conceal and without intent to deliver to another person or
46 deposit for the use of another person; however, if such person refuses to comply with orders to
47 surrender such device or its component parts, he or she shall be guilty of a class A misdemeanor.

270.400. 1. For purposes of this section, the following terms mean:

2 (1) "Feral hog", any hog, including Russian and European wild boar, that is not
3 conspicuously identified by ear tags or other forms of identification and is roaming freely upon
4 public or private lands without the landowner's permission;

5 (2) "Landowner's agent", any person who has permission from a landowner to be present
6 on the landowner's property;

7 (3) **"Verifiable consent", consent received in any form including, but not limited**
8 **to, voice mail, telephone call, or text message from the landowner that an agent of the**
9 **conservation commission is able to substantiate within seven calendar days after contact**
10 **with the landowner's agent.**

11 2. A person may kill a feral hog roaming freely upon such person's land and shall not be
12 liable to the owner of the hog for the loss of the hog.

13 3. Any person may take or kill a feral hog on public land or private land with the consent
14 of the landowner [~~except that, during the firearms deer and turkey hunting season, the~~
15 ~~regulations of the Missouri wildlife code shall apply~~]. Such person shall not be liable to the
16 owner of the hog for the loss of such hog.

17 4. No person except a landowner or such landowner's agent **with verifiable consent of**
18 **the landowner** on such landowner's property shall take, attempt to take, or kill a feral hog with

19 the use of an artificial light. **No provision of this section shall be construed to prohibit a**
20 **landowner or the landowner's agent from using a night vision, infrared, or thermal**
21 **imaging device.**

22 5. The director of the department of agriculture shall promulgate rules for fencing and
23 health standards for Russian and European wild boar and wild-caught swine held alive on private
24 land. Any person holding Russian or European wild boar or wild-caught swine on private land
25 shall annually submit an application to the department for a permit. Any applicant that
26 successfully meets the requirements under this section as determined by the department and pays
27 an application fee shall be issued a permit.

28 6. Russian and European wild boar and wild-caught swine may move only from a farm
29 to a farm or directly to slaughter or to a slaughter-only market. The department shall promulgate
30 rules for exemption permits and a fee structure to offset the actual and necessary costs incurred
31 to enforce the provisions of this section.

32 7. (1) There is hereby created in the state treasury the "Animal Health Fund", which
33 shall consist of all fees and administrative penalties collected by the department of agriculture
34 under this section and section 270.260. The state treasurer shall be custodian of the fund. In
35 accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.
36 Upon appropriation, moneys in the fund shall be used for the administration of this section and
37 section 270.260.

38 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
39 remaining in the fund at the end of the biennium shall not revert to the credit of the general
40 revenue fund.

41 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds
42 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

43 8. Any person who violates subsection 2 of section 270.260 may, in addition to the
44 penalty imposed under section 270.260, be assessed an administrative penalty of up to one
45 thousand dollars per violation. Any person who is assessed an administrative penalty under this
46 section shall be notified in writing of the right to appeal. Such person may request a hearing
47 before the director of the department of agriculture. Such request shall be made in writing no
48 later than thirty days after the date on which the person was notified of the violation of section
49 270.260.

50 9. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
51 under the authority delegated in this section shall become effective only if it complies with and
52 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
53 and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
54 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule

55 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
56 proposed or adopted after August 28, 2010, shall be invalid and void.

57 10. Nothing in this section shall be construed to apply to domestic swine.

2 **285.040. No employee of any city not within a county shall be required, as a
condition of employment, to reside within city limits.**

306.127. 1. Beginning January 1, 2005, every person born after January 1, 1984, or as
2 required pursuant to section 306.128, who operates a vessel on the lakes of this state shall
3 possess, on the vessel, a boating safety identification card issued by the water patrol division or
4 its agent which shows that he or she has:

5 (1) Successfully completed a boating safety course approved by the National Association
6 of State Boating Law Administrators and certified by the water patrol division. The boating
7 safety course may include a course sponsored by the United States Coast Guard Auxiliary or the
8 United States Power Squadron. The water patrol division may appoint agents to administer a
9 boater education course or course equivalency examination and issue boater identification cards
10 under guidelines established by the water patrol. The water patrol division shall maintain a list
11 of approved courses; or

12 (2) Successfully passed an equivalency examination prepared by the water patrol division
13 and administered by the water patrol division or its agent. The equivalency examination shall
14 have a degree of difficulty equal to, or greater than, that of the examinations given at the
15 conclusion of an approved boating safety course; or

16 (3) A valid master's, mate's, or operator's license issued by the United States Coast
17 Guard.

18 2. The water patrol division or its agent shall issue a permanent boating safety
19 identification card to each person who complies with the requirements of this section which is
20 valid for life unless invalidated pursuant to law.

21 3. The water patrol division may charge a fee for such card or any replacement card that
22 does not substantially exceed the costs of administering this section. The water patrol division
23 or its designated agent shall collect such fees. These funds shall be forwarded to general
24 revenue.

25 4. The provisions of this section shall not apply to any person who:

26 (1) Is licensed by the United States Coast Guard to serve as master of a vessel;

27 (2) Operates a vessel only on a private lake or pond that is not classified as waters of the
28 state;

29 (3) Until January 1, 2006, is a nonresident who is visiting the state for sixty days or less;

30 (4) Is participating in an event or regatta approved by the water patrol;

31 (5) Is a nonresident who has proof of a valid boating certificate or license issued by
32 another state if the boating course is approved by the National Association of State Boating Law
33 Administrators (NASBLA);

34 (6) Is exempted by rule of the water patrol;

35 (7) Is currently serving in any branch of the United States Armed Forces, reserves, or
36 Missouri National Guard, or any spouse of a person currently in such service; or

37 (8) Has previously successfully completed a boating safety education course approved
38 by the National Association of State Boating Law Administrators (NASBLA).

39 5. The water patrol division shall inform other states of the requirements of this section.

40 6. No individual shall be detained or stopped strictly for the purpose of checking whether
41 the individual possesses a boating safety identification card or a temporary boater education
42 permit.

43 7. Any person or company that rents or sells vessels may issue a temporary boating
44 safety identification card to an individual to operate a rented vessel or a vessel being considered
45 for sale, for a period of up to seven days, provided that the individual meets the minimum age
46 requirements for operating a vessel in this state. In order to qualify for the temporary boating
47 safety identification card, the applicant shall provide a valid driver's license and shall sign an
48 affidavit that he or she has reviewed the Missouri state highway patrol handbook of Missouri
49 boating laws and responsibilities. Any individual holding a valid temporary boating safety
50 identification card shall be deemed in compliance with the requirements of this section. The
51 Missouri state highway patrol shall charge a fee of nine dollars for such temporary boating safety
52 identification card. Individuals shall not be eligible for more than one temporary boating safety
53 identification card. No person or company may issue a temporary boating safety identification
54 card to an individual under the provisions of this subsection unless such person or company is
55 capable of submitting the applicant's temporary boating safety identification card information
56 and payment in an electronic format as prescribed by the Missouri state highway patrol. The
57 business entity issuing a temporary boating safety identification card to an individual under the
58 provisions of this subsection shall transmit the applicant's temporary boating safety identification
59 card information electronically to the Missouri state highway patrol, in a manner and format
60 prescribed by the superintendent, using an electronic online registration process developed and
61 provided by the Missouri state highway patrol. The electronic online process developed and
62 provided by the Missouri state highway patrol shall allow the applicant to pay the temporary
63 boating safety identification card fee by credit card or debit card. Notwithstanding any provision
64 in section 306.185 to the contrary, all fees collected under the authority of this subsection shall
65 be deposited in the water patrol division fund. The Missouri state highway patrol shall
66 promulgate rules for developing the temporary boating safety identification card and any

67 requirements necessary to the issuance, processing, and payment of the temporary boating safety
68 identification card. The Missouri state highway patrol shall, by rule, develop a boating safety
69 checklist for each applicant seeking a temporary boating safety identification card. Nothing in
70 this subsection shall allow a holder of a temporary boating safety identification card to receive
71 a notation on the person's driver's license or nondriver identification under section 302.184. The
72 provisions of this subsection shall expire on December 31, ~~2022~~ **2032**.

307.179. 1. As used in this section, the following terms shall mean:

2 (1) "Child booster seat", a seating system which meets the Federal Motor Vehicle Safety
3 Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to
4 properly sit in a federally approved safety belt system;

5 (2) "Child passenger restraint system", a seating system which meets the Federal Motor
6 Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either
7 permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal
8 attachment system;

9 (3) "Driver", a person who is in actual physical control of a motor vehicle.

10 2. Every driver transporting a child under the age of sixteen years shall be responsible,
11 when transporting such child in a motor vehicle operated by that driver on the streets or
12 highways of this state, for providing for the protection of such child as follows:

13 (1) **Children shall be secured in a rear-facing child passenger restraint system until**
14 **the child reaches two years of age;**

15 (2) Children less than four years of age, regardless of weight, shall be secured in a child
16 passenger restraint system appropriate for that child;

17 ~~[(2)]~~ (3) Children weighing less than forty pounds, regardless of age, shall be secured
18 in a child passenger restraint system appropriate for that child;

19 ~~[(3)]~~ (4) Children at least four years of age but less than eight years of age, who also
20 weigh at least forty pounds but less than eighty pounds, and who are also less than four feet, nine
21 inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for
22 that child;

23 ~~[(4)]~~ (5) Children at least eighty pounds or children more than four feet, nine inches in
24 height shall be secured by a vehicle safety belt or booster seat appropriate for that child;

25 ~~[(5)]~~ (6) A child who otherwise would be required to be secured in a booster seat may
26 be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat
27 of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat
28 installation;

29 ~~[(6)]~~ (7) When transporting children in the immediate family when there are more
30 children than there are seating positions in the enclosed area of a motor vehicle, the children who

31 are not able to be restrained by a child safety restraint device appropriate for the child shall sit
32 in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only
33 for a front seat area. The driver transporting children referred to in this subsection is not in
34 violation of this section.

35

36 This subsection shall only apply to the use of a child passenger restraint system or vehicle safety
37 belt for children less than sixteen years of age being transported in a motor vehicle.

38 3. Any driver who violates subdivision (1), (2), ~~[(3)]~~ **(3)**, **or (4)** of subsection 2 of this
39 section is guilty of an infraction and, upon conviction, may be punished by a fine of not more
40 than fifty dollars and court costs. Any driver who violates subdivision ~~[(4)]~~ **(5)** of subsection 2
41 of this section shall be subject to the penalty in subsection 6 of section 307.178. If a driver
42 receives a citation for violating subdivision (1), (2), ~~[(3)]~~ **(3)**, **or (4)** of subsection 2 of this
43 section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing
44 provides evidence of acquisition of a child passenger restraint system or child booster seat which
45 is satisfactory to the court or the party responsible for prosecuting the driver's citation.

46 4. The provisions of this section shall not apply to any public carrier for hire. The
47 provisions of this section shall not apply to students four years of age or older who are
48 passengers on a school bus designed for carrying eleven passengers or more and which is
49 manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school
50 buses are defined in section 301.010.

51 5. The highways and transportation commission shall initiate and develop a program of
52 public information to develop understanding of, and ensure compliance with, the provisions of
53 this section.

311.060. 1. No person shall be granted a license hereunder unless such person is of good
2 moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or
3 village, nor shall any corporation be granted a license hereunder unless the managing officer of
4 such corporation is of good moral character and a qualified legal voter and taxpaying citizen of
5 the county, town, city or village; and, except as otherwise provided under subsection 7 of this
6 section, no person shall be granted a license or permit hereunder whose license as such dealer
7 has been revoked, or who has been convicted, since the ratification of the twenty-first
8 amendment to the Constitution of the United States, of a violation of the provisions of any law
9 applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her
10 business as such dealer any person whose license has been revoked unless five years have passed
11 since the revocation as provided under subsection 6 of this section, or who has been convicted
12 of violating such law since the date aforesaid; provided, that nothing in this section contained
13 shall prevent the issuance of licenses to nonresidents of Missouri or foreign corporations for the

14 privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating
15 liquors to, by or through a duly licensed wholesaler, within this state.

16 2. (1) No person, partnership or corporation shall be qualified for a license under this
17 law if such person, any member of such partnership, or such corporation, or any officer, director,
18 or any stockholder owning, legally or beneficially, directly or indirectly, ten percent or more of
19 the stock of such corporation, or other financial interest therein, or ten percent or more of the
20 interest in the business for which the person, partnership or corporation is licensed, or any person
21 employed in the business licensed under this law shall have had a license revoked under this law
22 except as otherwise provided under subsections 6 and 7 of this section, or shall have been
23 convicted of violating the provisions of any law applicable to the manufacture or sale of
24 intoxicating liquor since the ratification of the twenty-first amendment to the Constitution of the
25 United States, or shall not be a person of good moral character.

26 (2) No license issued under this chapter shall be denied, suspended, revoked or otherwise
27 affected based solely on the fact that an employee of the licensee has been convicted of a felony
28 unrelated to the manufacture or sale of intoxicating liquor. ~~[Each employer shall report the~~
29 ~~identity of any employee convicted of a felony to the division of liquor control.]~~ The division
30 of liquor control shall promulgate rules to enforce the provisions of this subdivision.

31 (3) No wholesaler license shall be issued to a corporation for the sale of intoxicating
32 liquor containing alcohol in excess of five percent by weight, except to a resident corporation
33 as defined in this section.

34 3. A "resident corporation" is defined to be a corporation incorporated under the laws
35 of this state, all the officers and directors of which, and all the stockholders, who legally and
36 beneficially own or control sixty percent or more of the stock in amount and in voting rights,
37 shall be qualified legal voters and taxpaying citizens of the county and municipality in which
38 they reside and who shall have been bona fide residents of the state for a period of three years
39 continuously immediately prior to the date of filing of application for a license, provided that a
40 stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall
41 own, legally and beneficially, at least sixty percent of all the financial interest in the business to
42 be licensed under this law; provided, that no corporation, licensed under the provisions of this
43 law on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed
44 on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of
45 Section 112, United States Internal Revenue Code, shall be disqualified by reason of the new
46 requirements herein, except corporations engaged in the manufacture of alcoholic beverages
47 containing alcohol in excess of five percent by weight, or owned or controlled, directly or
48 indirectly, by nonresident persons, partnerships or corporations engaged in the manufacture of
49 alcoholic beverages containing alcohol in excess of five percent by weight.

50 4. The term "financial interest" as used in this chapter is defined to mean all interest,
51 legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such
52 interest in the net profits of the enterprise, after the payment of reasonable and necessary
53 operating business expenses and taxes, including interest in dividends, preferred dividends,
54 interest and profits, directly or indirectly paid as compensation for, or in consideration of interest
55 in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned
56 or otherwise made available to the enterprise, except by way of ordinary commercial credit or
57 bona fide bank credit not in excess of credit customarily granted by banking institutions, whether
58 paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any
59 other form whatsoever.

60 5. The supervisor shall by regulation require all applicants for licenses to file written
61 statements, under oath, containing the information reasonably required to administer this section.
62 Statements by applicants for licenses as wholesalers and retailers shall set out, with other
63 information required, full information concerning the residence of all persons financially
64 interested in the business to be licensed as required by regulation. All material changes in the
65 information filed shall be promptly reported to the supervisor.

66 6. Any person whose license or permit issued under this chapter has been revoked shall
67 be automatically eligible to work as an employee of an establishment holding a license or permit
68 under this chapter five years after the date of the revocation.

69 7. Any person whose license or permit issued under this chapter has been revoked shall
70 be eligible to apply and be qualified for a new license or permit five years after the date of the
71 revocation. The person may be issued a new license or permit at the discretion of the division
72 of alcohol and tobacco control. If the division denies the request for a new permit or license, the
73 person may not submit a new application for five years from the date of the denial. If the
74 application is approved, the person shall pay all fees required by law for the license or permit.
75 Any person whose request for a new license or permit is denied may seek a determination by the
76 administrative hearing commission as provided under section 311.691.

**311.199. Notwithstanding any provision of law to the contrary, a holder of a valid
2 license to sell intoxicating liquor in the manufacturer's original package to consumers may
3 sell such intoxicating liquor to a consumer in a container other than the manufacturer's
4 original package, provided that:**

5 **(1) The intoxicating liquor is in a durable, leakproof, and sealable container that
6 contains one or more standard bottles, pouches, or cans of malt liquor; fifty milliliters or
7 more of spirituous liquors; or one hundred milliliters or more of wine. For purposes of this
8 section, a "standard bottle" is any bottle, pouch, or can containing twelve ounces or less
9 of malt liquor;**

10 **(2) The consumer orders and purchases a meal at the same time that the consumer**
11 **purchases the intoxicating liquor;**

12 **(3) The holder of the license provides the consumer with a dated receipt for the**
13 **purchase of the intoxicating liquor; and**

14 **(4) (a) The sealed alcohol container is placed in a separate one-time-use,**
15 **tamperproof, transparent bag that is securely sealed; or**

16 **(b) The opening to the sealed alcohol container has been separately sealed with**
17 **tamperproof tape.**

311.293. 1. Except for any establishment that may apply for a license under section
2 311.089, any person possessing the qualifications and meeting the requirements of this chapter,
3 who is licensed to sell intoxicating liquor at retail, may apply to the supervisor of alcohol and
4 tobacco control for a special license to sell intoxicating liquor at retail between the hours of
5 ~~[9:00]~~ **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays**. A licensee under this
6 section shall pay to the director of revenue an additional fee of two hundred dollars a year
7 payable at the same time and in the same manner as its other license fees.

8 2. In addition to any fee collected pursuant to section 311.220, a city or county may
9 charge and collect an additional fee not to exceed three hundred dollars from any licensee under
10 this section for the privilege of selling intoxicating liquor at retail between the hours of ~~[9:00]~~
11 **6:00** a.m. ~~[and midnight]~~ on Sundays **and 1:30 a.m. on Mondays** in such city or county;
12 however the additional fee shall not exceed the fee charged by that city or county for a special
13 license issued pursuant to any provision of this chapter which allows a licensee to sell
14 intoxicating liquor by the drink for consumption on the premises of the licensee on Sundays.

15 3. The provisions of this section regarding the time of closing shall not apply to any
16 person who possesses a special permit issued under section 311.174, 311.176, or 311.178.

311.332. 1. It shall be unlawful for any wholesaler licensed to sell intoxicating liquor
2 and wine containing alcohol in excess of five percent by weight to persons duly licensed to sell
3 such intoxicating liquor and wine at retail, to discriminate between retailers or in favor of or
4 against any retailer or group of retailers, directly or indirectly, in price, in discounts for time of
5 payment, or in discounts on quantity of merchandise sold, or to grant directly or indirectly any
6 discount, rebate, free goods, allowance or other inducement, excepting a discount not in excess
7 of one percent for quantity of liquor and wine, and a discount not in excess of one percent for
8 payment on or before a certain date. The delivery of manufacturer rebate coupons by wholesalers
9 to retailers shall not be a violation of this subsection.

10 2. Manufacturers or wholesalers shall be permitted to donate or deliver or cause to be
11 delivered beer, wine, **distilled spirits**, or brandy for nonresale purposes to any unlicensed person
12 or any licensed retail dealer who is a charitable or religious organization as defined in section

13 313.005 or educational institution, at any location or licensed premises, provided, such beer,
14 wine, **distilled spirits**, or brandy is unrelated to the organization's or institution's licensed retail
15 operation. A charge for admission to an event or activity at which beer, wine, **distilled spirits**,
16 or brandy is available without separate charge shall not constitute resale for the purposes of this
17 subsection. Wine used in religious ceremonies may be sold by wholesalers to a religious
18 organization as defined in section 313.005. Any manufacturer or wholesaler providing nonresale
19 items shall keep a record of any deliveries made pursuant to this subsection.

20 3. Manufacturers, wholesalers, retailers and unlicensed persons may donate wine in the
21 original package to a charitable or religious organization as defined in section 313.005 or
22 educational institution for the sole purpose of being auctioned by the organization or institution
23 for fund-raising purposes, provided the auction takes place on a retail-licensed premises and all
24 proceeds from the sale go into a fund of an organization or institution that is unrelated to any
25 licensed retail operation.

311.660. 1. The supervisor of liquor control shall have the authority to suspend or
2 revoke for cause all such licenses; and to make the following regulations, without limiting the
3 generality of provisions empowering the supervisor of liquor control as in this chapter set forth
4 as to the following matters, acts and things:

5 (1) Fix and determine the nature, form and capacity of all packages used for containing
6 intoxicating liquor of any kind, to be kept or sold under this law;

7 (2) Prescribe an official seal and label and determine the manner in which such seal or
8 label shall be attached to every package of intoxicating liquor so sold under this law; this
9 includes prescribing different official seals or different labels for the different classes, varieties
10 or brands of intoxicating liquor;

11 (3) Prescribe all forms, applications and licenses and such other forms as are necessary
12 to carry out the provisions of this chapter, except that when a licensee substantially complies
13 with all requirements for the renewal of a license by the date on which the application for
14 renewal is due, such licensee shall be permitted at least an additional ten days from the date
15 notice is sent that the application is deficient, in which to complete the application;

16 (4) Prescribe the terms and conditions of the licenses issued and granted under this law;

17 (5) Prescribe the nature of the proof to be furnished and conditions to be observed in the
18 issuance of duplicate licenses, in lieu of those lost or destroyed;

19 (6) Establish rules and regulations for the conduct of the business carried on by each
20 specific licensee under the license, and such rules and regulations if not obeyed by every licensee
21 shall be grounds for the revocation or suspension of the license;

22 (7) The right to examine books, records and papers of each licensee and to hear and
23 determine complaints against any licensee;

24 (8) To issue subpoenas and all necessary processes and require the production of papers,
25 to administer oaths and to take testimony;

26 (9) Prescribe all forms of labels to be affixed to all packages containing intoxicating
27 liquor of any kind; and

28 (10) To make such other rules and regulations as are necessary and feasible for carrying
29 out the provisions of this chapter, as are not inconsistent with this law.

30 **2. Notwithstanding subsection 1 of this section, the supervisor of liquor control**
31 **shall not prohibit persons from participating in the sale of intoxicating liquor within the**
32 **scope of their employment solely on the basis of being found guilty of any felony offense,**
33 **except for prohibitions set forth in sections 311.191 and 311.193.**

313.220. 1. The commission shall promulgate such rules and regulations governing the
2 establishment and operation of a state lottery as it deems necessary and desirable to fully
3 implement the mandate of the people expressed in the approval of the lottery amendment to
4 Article III of the Missouri Constitution. Such rules and regulations shall be designed so that a
5 lottery may be initiated at the earliest feasible and practicable time. No rule or portion of a rule
6 promulgated under the authority of this chapter shall become effective unless it has been
7 promulgated pursuant to the provisions of section 536.024.

8 2. The commission shall have the authority to require a fingerprint background check
9 on any person seeking employment or employed by the commission, any person seeking contract
10 with or contracted to the commission and any person seeking license from or licensed by the
11 commission. The background check shall include a check of the Missouri criminal records
12 repository and when the commission deems it necessary to perform a nationwide criminal history
13 check, a check of the Federal Bureau of Investigation's criminal records file. Fingerprints shall
14 be submitted to the Missouri criminal records repository as required. Notwithstanding the
15 provisions of section 610.120, the commission shall have access to closed criminal history
16 information when fingerprints are submitted. **The commission shall not prohibit a person**
17 **from participating in the sale of lottery tickets solely on the basis of the person being found**
18 **guilty of any criminal offense; except that, the person shall not be eligible to be a licensed**
19 **lottery game retailer under subsection 2 of section 313.260.**

320.091. There shall be no cause of action against any fire protection district, volunteer
2 fire protection association, or any fire department of any political subdivision, **company, or**
3 **organization [which] that** donates equipment used to suppress fire or fire protection clothing
4 to another department, association, [or] district, **or fire training academy** if **one** of the following
5 conditions [are] **is** met:

6 (1) [~~Such equipment is approved by the state fire marshal or the state fire marshals~~
7 ~~designee;~~

8 ~~—— (2) Motor vehicles so donated must pass a safety inspection by the Missouri state~~
 9 ~~highway patrol;~~

10 ~~—— (3) The [receiving agency demonstrates to the state fire marshal's office] recipient~~
 11 **certifies to the donor at the time of donation** that the equipment received works properly;
 12 ~~[and] or~~

13 ~~[(4)]~~ (2) The donor [agency] informs the [receiving agency] **recipient** in writing of any
 14 defects in the equipment **or clothing** about which it [knows] **knew or, by using ordinary care,**
 15 **could have known at the time of donation.**

16

17 This immunity shall apply only to causes of action directly related to the equipment **or clothing**
 18 mentioned in this section.

556.061. In this code, unless the context requires a different definition, the following
 2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
 4 or otherwise make any use of any resources of, a computer, computer system, or computer
 5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
 8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
 10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
 13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
 15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
 17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
 18 or slides, for compensation. The term commercial film and photographic print processor shall
 19 include all employees of such persons but shall not include a person who develops film or makes
 20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
 22 internal storage devices, such as internal hard drives, and internal communication devices, such
 23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
 24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data
 25 contained in the main unit. Printers, external modems attached by cable to the main unit,

26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central
35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

- 62 a. A court orders the person's release; or
63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or
64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;
- 66 (b) A person is not in confinement if:
67 a. The person is on probation or parole, temporary or otherwise; or
68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held
70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;
- 72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:
74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or
76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or
80 (c) It is induced by force, duress or deception;
- 81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;
- 83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;
- 86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;
- 88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;
- 90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree,
96 kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree,
97 domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree,

98 **vehicle hijacking punished as a class A felony**, statutory rape in the first degree when the
99 victim is a child less than twelve years of age at the time of the commission of the act giving rise
100 to the offense, statutory sodomy in the first degree when the victim is a child less than twelve
101 years of age at the time of the commission of the act giving rise to the offense, child molestation
102 in the first or second degree, abuse of a child if the child dies as a result of injuries sustained
103 from conduct chargeable under section 568.060, child kidnapping, parental kidnapping
104 committed by detaining or concealing the whereabouts of the child for not less than one hundred
105 twenty days under section 565.153, and an "intoxication-related traffic offense" or
106 "intoxication-related boating offense" if the person is found to be a "habitual offender" or
107 "habitual boating offender" as such terms are defined in section 577.001;

108 (20) "Dangerous instrument", any instrument, article or substance, which, under the
109 circumstances in which it is used, is readily capable of causing death or other serious physical
110 injury;

111 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
112 prepared in a formalized or other manner and intended for use in a computer or computer
113 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
114 storage media, punched cards and as may be stored in the memory of a computer;

115 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
116 shot, readily capable of producing death or serious physical injury, may be discharged, or a
117 switchblade knife, dagger, billy club, blackjack or metal knuckles;

118 (23) "Digital camera", a camera that records images in a format which enables the
119 images to be downloaded into a computer;

120 (24) "Disability", a mental, physical, or developmental impairment that substantially
121 limits one or more major life activities or the ability to provide adequately for one's care or
122 protection, whether the impairment is congenital or acquired by accident, injury or disease, where
123 such impairment is verified by medical findings;

124 (25) "Elderly person", a person sixty years of age or older;

125 (26) "Felony", an offense so designated or an offense for which persons found guilty
126 thereof may be sentenced to death or imprisonment for a term of more than one year;

127 (27) "Forcible compulsion" either:

128 (a) Physical force that overcomes reasonable resistance; or

129 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
130 physical injury or kidnapping of such person or another person;

131 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
132 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
133 communicate unwillingness to an act;

134 (29) "Infraction", a violation defined by this code or by any other statute of this state if
135 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
136 is authorized upon conviction;

137 (30) "Inhabitable structure", a vehicle, vessel or structure:

138 (a) Where any person lives or carries on business or other calling; or

139 (b) Where people assemble for purposes of business, government, education, religion,
140 entertainment, or public transportation; or

141 (c) Which is used for overnight accommodation of persons.

142

143 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
144 present. If a building or structure is divided into separately occupied units, any unit not occupied
145 by the actor is an inhabitable structure of another;

146 (31) "Knowingly", when used with respect to:

147 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
148 her conduct or that those circumstances exist; or

149 (b) A result of conduct, means a person is aware that his or her conduct is practically
150 certain to cause that result;

151 (32) "Law enforcement officer", any public servant having both the power and duty to
152 make arrests for violations of the laws of this state, and federal law enforcement officers
153 authorized to carry firearms and to make arrests for violations of the laws of the United States;

154 (33) "Misdemeanor", an offense so designated or an offense for which persons found
155 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
156 or less;

157 (34) "Of another", property that any entity, including but not limited to any natural
158 person, corporation, limited liability company, partnership, association, governmental
159 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
160 therein, except that property shall not be deemed property of another who has only a security
161 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
162 other security arrangement;

163 (35) "Offense", any felony or misdemeanor;

164 (36) "Physical injury", slight impairment of any function of the body or temporary loss
165 of use of any part of the body;

166 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
167 court is legally authorized to order that a person charged with or convicted of a crime be held;

168 (38) "Possess" or "possessed", having actual or constructive possession of an object with
169 knowledge of its presence. A person has actual possession if such person has the object on his

170 or her person or within easy reach and convenient control. A person has constructive possession
171 if such person has the power and the intention at a given time to exercise dominion or control
172 over the object either directly or through another person or persons. Possession may also be sole
173 or joint. If one person alone has possession of an object, possession is sole. If two or more
174 persons share possession of an object, possession is joint;

175 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
176 possession or in action;

177 (40) "Public servant", any person employed in any way by a government of this state who
178 is compensated by the government by reason of such person's employment, any person appointed
179 to a position with any government of this state, or any person elected to a position with any
180 government of this state. It includes, but is not limited to, legislators, jurors, members of the
181 judiciary and law enforcement officers. It does not include witnesses;

182 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
183 means when it is his or her conscious object to engage in that conduct or to cause that result;

184 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
185 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
186 from the standard of care which a reasonable person would exercise in the situation;

187 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
188 permanent medical or psychological damage, manifested by impairment of a behavioral,
189 cognitive or physical condition. Serious emotional injury shall be established by testimony of
190 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
191 medical or psychological certainty;

192 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
193 that causes serious disfigurement or protracted loss or impairment of the function of any part of
194 the body;

195 (45) "Services", when used in relation to a computer system or network, means use of
196 a computer, computer system, or computer network and includes, but is not limited to, computer
197 time, data processing, and storage or retrieval functions;

198 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
199 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
200 associated with one's gender;

201 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
202 excluding vessels or aircraft;

203 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
204 such motor or machinery is a principal source of propulsion used or capable of being used as a
205 means of transportation on water, or any boat or craft more than twelve feet in length which is

206 powered by sail alone or by a combination of sail and machinery, and used or capable of being
207 used as a means of transportation on water, but not any boat or craft having, as the only means
208 of propulsion, a paddle or oars;

209 (49) "Voluntary act":

210 (a) A bodily movement performed while conscious as a result of effort or determination.
211 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,
212 or having acquired control of it was aware of his or her control for a sufficient time to have
213 enabled him or her to dispose of it or terminate his or her control; or

214 (b) An omission to perform an act of which the actor is physically capable. A person is
215 not guilty of an offense based solely upon an omission to perform an act unless the law defining
216 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
217 law;

218 (50) "Vulnerable person", any person in the custody, care, or control of the department
219 of mental health who is receiving services from an operated, funded, licensed, or certified
220 program.

565.002. As used in this chapter, unless a different meaning is otherwise plainly required
2 the following terms mean:

3 (1) "Adequate cause", cause that would reasonably produce a degree of passion in a
4 person of ordinary temperament sufficient to substantially impair an ordinary person's capacity
5 for self-control;

6 (2) "Child", a person under seventeen years of age;

7 (3) "Conduct", includes any act or omission;

8 (4) "Course of conduct", a pattern of conduct composed of two or more acts, which may
9 include communication by any means, over a period of time, however short, evidencing a
10 continuity of purpose. Constitutionally protected activity is not included within the meaning of
11 course of conduct. Such constitutionally protected activity includes picketing or other organized
12 protests;

13 (5) "Deliberation", cool reflection for any length of time no matter how brief;

14 (6) "Domestic victim", a household or family member as the term "family" or "household
15 member" is defined in section 455.010, including any child who is a member of the household
16 or family;

17 (7) "Emotional distress", something markedly greater than the level of uneasiness,
18 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

19 (8) "Full or partial nudity", the showing of all or any part of the human genitals, pubic
20 area, buttock, or any part of the nipple of the breast of any female person, with less than a fully
21 opaque covering;

- 22 (9) "Legal custody", the right to the care, custody and control of a child;
- 23 (10) "Parent", either a biological parent or a parent by adoption;
- 24 (11) "Person having a right of custody", a parent or legal guardian of the child;
- 25 (12) "Photographs" or "films", the making of any photograph, motion picture film,
26 videotape, or any other recording or transmission of the image of a person;
- 27 (13) "Place where a person would have a reasonable expectation of privacy", any place
28 where a reasonable person would believe that a person could disrobe in privacy, without being
29 concerned that the person's undressing was being viewed, photographed or filmed by another;
- 30 (14) "Special victim", any of the following:
- 31 (a) A law enforcement officer assaulted in the performance of his or her official duties
32 or as a direct result of such official duties;
- 33 (b) Emergency personnel, any paid or volunteer firefighter, emergency room, hospital,
34 or trauma center personnel, or emergency medical technician, assaulted in the performance of
35 his or her official duties or as a direct result of such official duties;
- 36 (c) A probation and parole officer assaulted in the performance of his or her official
37 duties or as a direct result of such official duties;
- 38 (d) An elderly person;
- 39 (e) A person with a disability;
- 40 (f) A vulnerable person;
- 41 (g) Any jailer or corrections officer of the state or one of its political subdivisions
42 assaulted in the performance of his or her official duties or as a direct result of such official
43 duties;
- 44 (h) A highway worker in a construction or work zone as the terms "highway worker",
45 "construction zone", and "work zone" are defined under section 304.580;
- 46 (i) Any utility worker, meaning any employee of a utility that provides gas, heat,
47 electricity, water, steam, telecommunications services, or sewer services, whether privately,
48 municipally, or cooperatively owned, while in the performance of his or her job duties, including
49 any person employed under a contract;
- 50 (j) Any cable worker, meaning any employee of a cable operator, as such term is defined
51 in section 67.2677, including any person employed under contract, while in the performance of
52 his or her job duties; ~~and~~
- 53 (k) Any employee of a mass transit system, including any employee of public bus or light
54 rail companies, while in the performance of his or her job duties; **or**
- 55 **(l) A sports official assaulted at a sporting event while the sports official is**
56 **performing his or her duties as a sports official or as a direct result of such duties. A**
57 **sporting event shall include all levels of competition. A sports official shall include, but not**

58 **be limited to, a judge, linesman, official, referee, or umpire. To qualify as a sports official,**
59 **a person shall be trained and certified or registered as such by an organization engaged in**
60 **the education, training, and certifying or registering of sports officials;**

61 (15) "Sudden passion", passion directly caused by and arising out of provocation by the
62 victim or another acting with the victim which passion arises at the time of the offense and is not
63 solely the result of former provocation;

64 (16) "Trier", the judge or jurors to whom issues of fact, guilt or innocence, or the
65 assessment and declaration of punishment are submitted for decision;

66 (17) "Views", the looking upon of another person, with the unaided eye or with any
67 device designed or intended to improve visual acuity, for the purpose of arousing or gratifying
68 the sexual desire of any person.

570.027. 1. A person commits the offense of vehicle hijacking when he or she
2 **knowingly uses or threatens the use of physical force upon another person to seize or**
3 **attempt to seize possession or control of a vehicle, as defined in section 302.010, from the**
4 **immediate possession or control of another person.**

5 **2. The offense of vehicle hijacking is a class B felony unless it meets one of the**
6 **criteria listed in subsection 3 of this section.**

7 **3. The offense of vehicle hijacking is a class A felony if, in the course thereof, a**
8 **person or another participant in the offense:**

9 (1) **Causes serious physical injury to any person in immediate possession, control,**
10 **or presence of the vehicle;**

11 (2) **Is armed with a deadly weapon;**

12 (3) **Uses or threatens the immediate use of a dangerous instrument against any**
13 **person;**

14 (4) **Displays or threatens the use of what appears to be a deadly weapon or**
15 **dangerous instrument; or**

16 (5) **Seizes a vehicle, or attempts to seize a vehicle, in which a child or special victim**
17 **as defined in section 565.002 is present.**

575.150. 1. A person commits the offense of resisting or interfering with arrest,
2 detention, or stop if he or she knows or reasonably should know that a law enforcement officer
3 is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the
4 purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

5 (1) Resists the arrest, stop or detention of such person by using or threatening the use of
6 violence or physical force or by fleeing from such officer; or

7 (2) Interferes with the arrest, stop or detention of another person by using or threatening
8 the use of violence, physical force or physical interference.

9 2. This section applies to:

- 10 (1) Arrests, stops, or detentions, with or without warrants;
11 (2) Arrests, stops, or detentions, for any offense, infraction, or ordinance violation; and
12 (3) Arrests for warrants issued by a court or a probation and parole officer.

13 3. **A person commits the offense of resisting arrest by fleeing in a motor vehicle if**
14 **he or she resists an arrest, a stop, or a detention by fleeing in a motor vehicle from a law**
15 **enforcement officer and, during the course of fleeing, drives at a speed or in a manner that**
16 **demonstrates a disregard for the safety of any person or property, including that of the**
17 **pursuing officer or other occupants of the fleeing vehicle.**

18 4. **A person commits the offense of aggravated resisting arrest by fleeing in a motor**
19 **vehicle if he or she resists an arrest, a stop, or a detention by fleeing in a motor vehicle**
20 **from a law enforcement officer and, during the course of fleeing, drives at a speed or in a**
21 **manner that demonstrates a disregard for the safety of any person or property, including**
22 **that of the pursuing officer or other occupants of the fleeing vehicle, and that results in**
23 **serious bodily injury or death to another person, including any officer.**

24 5. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
25 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has
26 heard or should have heard an audible signal emanating from the law enforcement vehicle
27 pursuing him or her.

28 [4-] 6. It is no defense to a prosecution pursuant to subsection 1, 3, or 4 of this section
29 that the law enforcement officer was acting unlawfully in making the arrest. However, nothing
30 in this section shall be construed to bar civil suits for unlawful arrest.

31 7. **Nothing in this section shall be construed to require the state to prove in a**
32 **prosecution against a defendant that the defendant knew why he or she was being stopped,**
33 **detained, or arrested.**

34 [5-] 8. The offense of resisting or interfering with an arrest is a class E felony for an
35 arrest for a:

- 36 (1) Felony;
37 (2) Warrant issued for failure to appear on a felony case; or
38 (3) Warrant issued for a probation violation on a felony case.

39

40 The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of
41 subsection 1 of this section is a class A misdemeanor[~~unless the person fleeing creates a~~
42 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
43 ~~felony]. **The offense of resisting arrest by fleeing in a motor vehicle is a class E felony,**
44 **unless the person has been previously convicted under subsection 3 of this section, in which**~~

45 **case it is a class D felony. The offense of aggravated resisting arrest by fleeing in a motor**
46 **vehicle is a class D felony, unless the person has been previously convicted under**
47 **subsection 4 of this section, in which case it is a class C felony.**

575.180. 1. A law enforcement officer commits the offense of failure to execute an
2 arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime
3 to escape, he or she fails to execute any arrest warrant, capias, or other lawful process ordering
4 apprehension or confinement of such person, which he or she is authorized and required by law
5 to execute. **For purposes of this section, "escape" means to flee from; to avoid; to get away,**
6 **as to flee to avoid arrest.**

7 2. The offense of failure to execute an arrest warrant is a class A misdemeanor, unless
8 the offense involved is a felony, in which case failure to execute an arrest warrant is a class E
9 felony.

10 3. **It shall be an affirmative defense to prosecution under this section that the law**
11 **enforcement officer acted under exigent circumstances in failing to execute an arrest**
12 **warrant on a person who has committed a misdemeanor offense under chapter 301, 302,**
13 **304, or 307 or a misdemeanor traffic offense in another state; except that, the provisions**
14 **of this subsection shall not apply to the following offenses:**

- 15 (1) **Failure to drive in a careful and prudent manner under section 304.012;**
16 (2) **Driving with a cancelled, suspended, or revoked license under section 302.321;**
17 (3) **Operating a motor vehicle without a proper license under section 302.020; or**
18 (4) **Any offense committed in another state that is comparable to the offenses listed**
19 **under subdivisions (1), (2), and (3) of this subsection.**

577.011. In addition to other terms and conditions imposed on a person who has
2 pled guilty to or been found guilty of driving while intoxicated under section 577.010,
3 except for good cause shown, such person shall complete a victim impact program
4 approved by the court. Such person shall be responsible for any charges imposed by the
5 victim impact program.

577.800. 1. A person commits the offense of unlawful use of unmanned aircraft
2 over an open-air facility if he or she purposely:

- 3 (1) **Operates an unmanned aircraft within a vertical distance of four hundred feet**
4 **from the ground and within the property line of an open-air facility; or**
5 (2) **Uses an unmanned aircraft with the purpose of delivering to a person within an**
6 **open-air facility any object described in subdivision (1) or (2) of subsection 4 of this section.**

7 2. For purposes of this section, "open-air facility" shall mean any sports, theater,
8 music, performing arts, or other entertainment facility with a capacity of five thousand
9 people or more and not completely enclosed by a roof or other structure.

10 **3. The provisions of this section shall not prohibit the operation of an unmanned**
11 **aircraft by:**

12 **(1) An employee of an open-air facility at the direction of the president or chief**
13 **executive officer of the open-air facility;**

14 **(2) A person who has written consent from the president or chief executive officer**
15 **of the open-air facility;**

16 **(3) An employee of a law enforcement agency, fire department, or emergency**
17 **medical service in the exercise of official duties;**

18 **(4) A government official or employee in the exercise of official duties;**

19 **(5) A public utility or a rural electric cooperative if:**

20 **(a) The unmanned aircraft is used for the purpose of inspecting, repairing, or**
21 **maintaining utility transmission or distribution lines or other utility equipment or**
22 **infrastructure;**

23 **(b) The utility or cooperative notifies the open-air facility before flying the**
24 **unmanned aircraft, except during an emergency; and**

25 **(c) The person operating the unmanned aircraft does not physically enter the**
26 **prohibited space without an escort provided by the open-air facility; or**

27 **(6) An employee of a railroad in the exercise of official duties on any land owned**
28 **or operated by a railroad corporation regulated by the Federal Railroad Administration.**

29 **4. The offense of unlawful use of unmanned aircraft over an open-air facility shall**
30 **be punishable as a class A misdemeanor unless the person uses an unmanned aircraft for:**

31 **(1) Delivering a gun, knife, weapon, or other article that may be used in such**
32 **manner to endanger the life of an employee or guest at an open-air facility, in which case**
33 **the offense is a class B felony; or**

34 **(2) Delivering a controlled substance, as that term is defined under section 195.010,**
35 **in which case the offense is a class D felony.**

36 **5. Each open-air facility shall post a sign warning of the provisions of this section.**
37 **The sign shall be at least eleven inches by fourteen inches and posted in a conspicuous**
38 **place.**

578.018. 1. Any duly authorized public health official or law enforcement official may
2 seek a warrant from the appropriate **circuit** court to enable ~~him or her~~ **the law enforcement**
3 **official** to enter private property in order to inspect, care for, or ~~impound~~ **confiscate** neglected
4 or abused animals **as set forth in such warrant.** All requests for such warrants shall be **signed,**
5 **witnessed, and** accompanied by an affidavit stating the probable cause to believe a violation of
6 sections 578.005 to ~~[578.023]~~ **578.025** has occurred. **All warrants shall be served in the**
7 **presence of a law enforcement official.** A person acting under the authority of a warrant shall:

8 (1) ~~[Be given]~~ **Appear at** a disposition hearing before the court through which the
9 warrant was issued, within ~~[thirty]~~ **ten** days of ~~[the filing of the request]~~ **confiscation** for the
10 purpose of granting immediate disposition of the animals ~~[impounded]~~ . **No animal shall be**
11 **sterilized prior to the completion of such disposition hearing unless necessary to save life**
12 **or relieve suffering;**

13 (2) Place ~~[impounded]~~ animals in the care or custody of a veterinarian, the appropriate
14 animal control authority, ~~[or]~~ an animal shelter, **or a third party approved by the court**. If no
15 appropriate veterinarian, animal control authority, ~~[or]~~ animal shelter, **or third party** is
16 available, the animal shall not be ~~[impounded]~~ **confiscated** unless it is diseased or disabled
17 beyond recovery for any useful purpose;

18 (3) Humanely kill any animal ~~[impounded]~~ **confiscated** if it is determined by a licensed
19 veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;

20 (4) Not be liable for any **reasonable and** necessary damage to property while acting
21 under such warrant.

22 2. (1) **The owner of any animal that has been confiscated under this section shall**
23 **not be responsible for the animal's care and keeping prior to a disposition hearing if the**
24 **owner is acquitted or there is a final discharge without conviction.**

25 (2) **After completion of the disposition hearing**, the owner or custodian or any person
26 claiming an interest in any animal that has been ~~[impounded]~~ **confiscated** because of neglect or
27 abuse may prevent disposition of the animal **after the disposition hearing and until final**
28 **judgment, settlement, or dismissal of the case** by posting **reasonable** bond or security **within**
29 **seventy-two hours of the disposition hearing** in an amount sufficient to provide for the
30 animal's care and keeping ~~[for at least thirty days, inclusive of the date on which the animal was~~
31 ~~taken into custody]~~ **and consistent with the fair market cost of boarding such an animal in**
32 **an appropriate retail boarding facility**. Notwithstanding the fact that **reasonable** bond may
33 be posted pursuant to this ~~[subsection]~~ **subdivision**, the authority having custody of the animal
34 may humanely dispose of the animal at the end of the time for which **reasonable** expenses are
35 covered by the bond or security, unless there is a court order prohibiting such disposition. Such
36 order shall provide for a **reasonable** bond or other security in the amount necessary to protect
37 the authority having custody of the animal from any cost of the care, keeping, or disposal of the
38 animal.

39 (3) The authority taking custody of an animal shall give notice of the provisions of this
40 section ~~[by posting a copy of this section at the place where the animal was taken into custody~~
41 ~~or]~~ by delivering ~~[#]~~ **a copy of this section** to a person residing on the property.

42 3. The owner or custodian of any animal humanely killed pursuant to this section shall
43 not be entitled to recover any damages related to nor the actual value of the animal if the animal

44 was found by a licensed veterinarian to be diseased or disabled **beyond recovery for any useful**
45 **purpose**, or if the owner or custodian failed to post bond or security for the care, keeping, and
46 disposition of the animal after being notified of [~~impoundment~~] **confiscation and after**
47 **completion of the disposition hearing.**

48 **4. All animals confiscated under this section shall receive proper care as determined**
49 **by state law and regulations for each specific animal and facility or organization where the**
50 **animal is placed after such confiscation. Any such facility or organization shall be liable**
51 **to the owner for damages for any negligent acts or abuse of such animal that occurs while**
52 **the animal is in the care, custody, and control of the facility or organization.**

53 **5. In the event that the animal owner is not liable for the costs incurred for the**
54 **placement and care of an animal or animals while charges were pending, such costs**
55 **relating to placement and care, as well as liability for the life or death of the animal and**
56 **for medical procedures performed while charges were pending, shall be the responsibility**
57 **of and shall be borne and paid by the confiscating agency. Such costs shall be consistent**
58 **with the fair market value of boarding an animal at a retail establishment and with the**
59 **usual and customary costs of veterinary medical services provided by a clinic licensed**
60 **under chapter 340.**

61 **6. If the owner posted a sufficient bond and is acquitted or there is a final discharge**
62 **without conviction, unless there is a settlement agreement, consent judgment, or a**
63 **suspended imposition of sentence, the owner may demand the return of the animal held in**
64 **custody. Any entity with care, custody, and control of such animal shall immediately**
65 **return such animal to the owner upon demand and proof of such acquittal or final**
66 **discharge without conviction. Upon acquittal or final discharge without conviction, unless**
67 **there is a settlement agreement, consent judgment, or a suspended imposition of sentence,**
68 **the owner shall not be liable for any costs incurred relating to the placement or care of the**
69 **animal during the pendency of the charges.**

70 **7. Any person or entity that intentionally euthanizes, other than as permissible**
71 **under this section, or intentionally sterilizes an animal prior to a disposition hearing or**
72 **during any period for which reasonable bond was secured for the animal's care is guilty**
73 **of a class B misdemeanor and shall be liable to the owner of the animal for damages,**
74 **including the actual value of the animal. Each individual animal for which a violation**
75 **occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor,**
76 **and any entity licensed under state law shall be subject to licensure sanction by its**
77 **governing body.**

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state
2 highway patrol or other law enforcement officer may apply for and serve a search warrant, and

3 shall have the power of search and seizure in order to enforce the provisions of sections 578.025
4 to 578.050. **All requests for such warrants shall be signed, witnessed, and accompanied by**
5 **an affidavit stating the probable cause to believe a violation of sections 578.025 to 578.050**
6 **has occurred.**

7 2. Any member of the state highway patrol or other law enforcement officer making an
8 arrest under section 578.025 shall lawfully take possession of all dogs or other animals **in**
9 **accordance with the provisions of section 578.018** and all paraphernalia, implements, or other
10 property or things used or employed, or about to be employed, in the violation of any of the
11 provisions of section 578.025. Such officer, after taking possession of such dogs, animals,
12 paraphernalia, implements or other property or things, shall file with the court before whom the
13 complaint is made against any person so arrested an affidavit stating therein the name of the
14 person charged in such complaint, a description of the property so taken and the time and place
15 of the taking thereof together with the name of the person from whom the same was taken and
16 the name of the person who claims to own such property, if known, and that the affiant has
17 reason to believe and does believe, stating the ground of such belief, that the property so taken
18 was used or employed, or was about to be used or employed, in such violation of section
19 578.025. ~~[He or she]~~ **The officer** shall thereupon deliver the property so taken to the court,
20 which shall, by order in writing, place the same in the custody of an officer or other proper
21 person named and designated in such order, to be kept by ~~[him or her]~~ **such officer or other**
22 **proper person named and designated in such order** until the conviction or final discharge of
23 such person complained against, and shall send a copy of such order without delay to the
24 prosecuting attorney of the county. The officer or person so named and designated in such order
25 shall immediately thereupon assume the custody of such property and shall retain the same,
26 subject to the order of the court before which such person so complained against may be required
27 to appear for trial. **If the property includes animals, the placement of the animals shall be**
28 **handled in accordance with the provisions of section 578.018.** Upon the conviction of the
29 person so charged, all property so seized shall be adjudged by the court to be forfeited and shall
30 thereupon be destroyed or otherwise disposed of as the court may order. In the event of the
31 acquittal or final discharge without conviction of the person so charged, such court shall, on
32 demand, direct the delivery of such property so held in custody to the owner thereof.

579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of
2 drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent
3 to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one
4 reasonably should know, that it will be used to plant, propogate, cultivate, grow, harvest,
5 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
6 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled

7 substance or an imitation controlled substance in violation of this chapter. **Any entity**
8 **registered with the department of health and senior services that possesses, distributes, or**
9 **delivers hypodermic needles or syringes for the purpose of operating a syringe exchange**
10 **program or otherwise mitigating health risks associated with unsterile injection drug use**
11 **shall be exempt from the provisions of this section.**

12 2. **No entity described in subsection 1 of this section shall have its premises located**
13 **within five hundred feet of any school building, unless such entity's premises were**
14 **established prior to the school building.**

15 3. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor,
16 unless done for commercial purposes, in which case it is a class E felony.

579.060. 1. A person commits the offense of unlawful sale, distribution, or purchase of
2 over-the-counter methamphetamine precursor drugs if he or she knowingly:

3 (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any
4 drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
5 pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total
6 amount greater than ~~[nine]~~ **seven and two-tenths** grams to the same individual within a
7 thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid
8 prescription; or

9 (2) Purchases, receives, or otherwise acquires within a thirty-day period any number of
10 packages of any drug product containing any detectable amount of ephedrine,
11 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
12 optical isomers in a total amount greater than ~~[nine]~~ **seven and two-tenths** grams, without regard
13 to the number of transactions, unless the amount is purchased, received, or acquired pursuant to
14 a valid prescription; or

15 (3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any
16 number of packages of any drug product containing any detectable amount of ephedrine,
17 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of
18 optical isomers in a total amount greater than three and six-tenths grams, without regard to the
19 number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid
20 prescription; or

21 (4) Dispenses or offers drug products that are not excluded from Schedule V in
22 subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine,
23 phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of
24 optical isomers, without ensuring that such products are located behind a pharmacy counter
25 where the public is not permitted and that such products are dispensed by a registered pharmacist
26 or pharmacy technician under subsection 11 of section 195.017; or

27 (5) Holds a retail sales license issued under chapter 144 and knowingly sells or dispenses
28 packages that do not conform to the packaging requirements of section 195.418.

29 2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the
30 offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine
31 precursor drugs if he or she knowingly:

32 (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any
33 drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
34 pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total
35 amount greater than three and six-tenth grams to the same individual within a twenty-four hour
36 period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

37 (2) Fails to submit information under subsection 13 of section 195.017 and subsection
38 5 of section 195.417 about the sales of any compound, mixture, or preparation of products
39 containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any
40 of their salts, optical isomers, or salts of optical isomers, in accordance with transmission
41 methods and frequency established by the department of health and senior services; or

42 (3) Fails to implement and maintain an electronic log, as required by subsection 12 of
43 section 195.017, of each transaction involving any detectable quantity of pseudoephedrine, its
44 salts, isomers, or salts of optical isomers or ephedrine, its salts, optical isomers, or salts of optical
45 isomers; or

46 (4) Sells, distributes, dispenses or otherwise provides to an individual under eighteen
47 years of age without a valid prescription any number of packages of any drug product containing
48 any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or
49 ephedrine, its salts or optical isomers, or salts of optical isomers.

50 3. Any person who violates the packaging requirements of section 195.418 and is
51 considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or
52 phenylpropanolamine products are available for sale shall not be penalized if he or she
53 documents that an employee training program was in place to provide the employee who made
54 the unlawful retail sale with information on the state and federal regulations regarding ephedrine,
55 pseudoephedrine, or phenylpropanolamine.

56 4. The offense of unlawful sale, distribution, or purchase of over-the-counter
57 methamphetamine precursor drugs is a class A misdemeanor.

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

4 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

19 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
20 substance containing marijuana;

21 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
22 mixture, or preparation containing any quantity of the following substances having a stimulant
23 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
24 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
25 phenmetrazine and its salts; or methylphenidate; [or]

26 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

28 **(10) One gram or more of flunitrazepam for the first offense;**

29 **(11) Any amount of gamma-hydroxybutyric acid for the first offense; or**

30 **(12) More than ten milligrams of fentanyl, or any derivative thereof, or any**
31 **compound, mixture, or substance containing more than ten milligrams of fentanyl,**
32 **carfentanyl, or their optical isomers or analogues.**

33 2. The offense of trafficking drugs in the first degree is a class B felony.

34 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
35 involved is:

36 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
37 heroin; or

38 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
39 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
40 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
41 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,

42 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
43 any of the foregoing substances; or

44 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
45 of this subsection which contains cocaine base; or

46 (4) One gram or more of a mixture or substance containing a detectable amount of
47 lysergic acid diethylamide (LSD); or

48 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
49 phencyclidine (PCP); or

50 (6) Twelve grams or more of phencyclidine; or

51 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

52 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
53 any quantity of the following substances having a stimulant effect on the central nervous system:
54 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its
55 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
56 methylphenidate; or

57 (9) More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and
61 its salts; or methylphenidate, and the location of the offense was within two thousand feet of real
62 property comprising a public or private elementary, vocational, or secondary school, college,
63 community college, university, or any school bus, in or on the real property comprising public
64 housing or any other governmental assisted housing, or within a motor vehicle, or in any
65 structure or building which contains rooms furnished for the accommodation or lodging of
66 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
67 accommodations are sought for pay or compensation to transient guests or permanent guests; or

68 (10) Ninety grams or more of any material, compound, mixture or preparation which
69 contains any quantity of 3,4-methylenedioxymethamphetamine; or

70 (11) More than thirty grams of any material, compound, mixture, or preparation which
71 contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense
72 was within two thousand feet of real property comprising a public or private elementary,
73 vocational, or secondary school, college, community college, university, or any school bus, in
74 or on the real property comprising public housing or any other governmental assisted housing,
75 within a motor vehicle, or in any structure or building which contains rooms furnished for the
76 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the

77 public as a place where sleeping accommodations are sought for pay or compensation to transient
78 guests or permanent guests; or

79 **(12) One gram or more of flunitrazepam for a second or subsequent offense; or**

80 **(13) Any amount of gamma-hydroxybutyric acid for a second or subsequent**
81 **offense; or**

82 **(14) Twenty milligrams or more of fentanyl, or any derivative thereof, or any**
83 **compound, mixture, or substance containing twenty milligrams or more of fentanyl,**
84 **carfentanyl, or their optical isomers or analogues.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly possesses or has
3 under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

19 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
20 substance containing marijuana;

21 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
22 mixture, or preparation containing any quantity of the following substances having a stimulant
23 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
24 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
25 phenmetrazine and its salts; or methylphenidate; [or]

26 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
27 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;
28 **or**

29 **(10) More than ten milligrams of fentanyl, or any derivative thereof, or any**
30 **compound, mixture, or substance containing more than ten milligrams of fentanyl,**
31 **carfentanyl, or their optical isomers or analogues.**

32 2. The offense of trafficking drugs in the second degree is a class C felony.

33 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity
34 involved is:

35 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
36 heroin; or

37 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
38 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
39 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
40 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
41 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
42 any of the foregoing substances; or

43 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
44 of this subsection which contains cocaine base; or

45 (4) One gram or more of a mixture or substance containing a detectable amount of
46 lysergic acid diethylamide (LSD); or

47 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
48 phencyclidine (PCP); or

49 (6) Twelve grams or more of phencyclidine; or

50 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

51 (8) More than five hundred marijuana plants; or

52 (9) Ninety grams or more but less than four hundred fifty grams of any material,
53 compound, mixture, or preparation containing any quantity of the following substances having
54 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
55 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
56 phenmetrazine and its salts; or methylphenidate; or

57 (10) Ninety grams or more but less than four hundred fifty grams of any material,
58 compound, mixture, or preparation which contains any quantity of
59 3,4-methylenedioxymethamphetamine; or

60 **(11) Twenty milligrams or more of fentanyl, or any derivative thereof, or any**
61 **compound, mixture, or substance containing twenty milligrams or more of fentanyl,**
62 **carfentanyl, or their optical isomers or analogues.**

63 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity
64 involved is four hundred fifty grams or more of any material, compound, mixture or preparation
65 which contains:

66 (1) Any quantity of the following substances having a stimulant effect on the central
67 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
68 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
69 methylphenidate; or

70 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

71 **5. The offense of drug trafficking in the second degree is a class C felony for the**
72 **first offense and a class B felony for any second or subsequent offense for the trafficking**
73 **of less than one gram of flunitrazepam.**

579.076. 1. A person commits the offense of unlawful manufacture of drug
2 paraphernalia if he or she unlawfully manufactures with intent to deliver drug paraphernalia,
3 knowing, or under circumstances where one reasonably should know, that it will be used to plant,
4 propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare,
5 test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce
6 into the human body a controlled substance or an imitation controlled substance in violation of
7 this chapter or chapter 195. **Any entity registered with the department of health and senior**
8 **services that delivers or manufactures hypodermic needles or syringes for the purpose of**
9 **operating a syringe exchange program or otherwise mitigating health risks associated with**
10 **unsterile injection drug use shall be exempt from the provisions of this section.**

11 2. The offense of unlawful manufacture of drug paraphernalia is a class A misdemeanor,
12 unless done for commercial purposes, in which case it is a class E felony.

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an
3 offense referenced in section 589.414, unless such person is exempt from registering under
4 subsection 9 or 10 of this section or section 589.401;

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
6 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
7 to commit one or more of the following offenses: kidnapping or kidnapping in the first degree
8 when the victim was a child and the defendant was not a parent or guardian of the child; abuse
9 of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or
10 kidnapping in the second degree when the victim was a child and the defendant is not a parent
11 or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home
12 or sexual conduct with a nursing facility resident or vulnerable person in the first or second
13 degree; endangering the welfare of a child under section 568.045 when the endangerment is

14 sexual in nature; genital mutilation of a female child, under section 568.065; promoting
15 prostitution in the first degree; promoting prostitution in the second degree; promoting
16 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in
17 the first degree; promoting child pornography in the second degree; possession of child
18 pornography; furnishing pornographic material to minors; public display of explicit sexual
19 material; coercing acceptance of obscene material; promoting obscenity in the first degree;
20 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
21 sexual performance; or promoting sexual performance by a child; patronizing prostitution if the
22 individual the person patronizes is less than eighteen years of age;

23 (3) Any person who, since July 1, 1979, has been committed to the department of mental
24 health as a criminal sexual psychopath;

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense referenced in section 589.414;

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been adjudicated for an offense listed under section 589.414;

29 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
30 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
31 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

32 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
33 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,
34 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
35 would constitute an offense listed under section 589.414, or has been or is required to register
36 in another state, territory, the District of Columbia, or foreign country, or has been or is required
37 to register under tribal, federal, or military law; or

38 (8) Any person who has been or is required to register in another state, territory, the
39 District of Columbia, or foreign country, or has been or is required to register under tribal,
40 federal, or military law and who works or attends an educational institution, whether public or
41 private in nature, including any secondary school, trade school, professional school, or institution
42 of higher education on a full-time or on a part-time basis or has a temporary residence in
43 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
44 period.

45 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
46 days of adjudication, release from incarceration, or placement upon probation, register with the
47 chief law enforcement official of the county or city not within a county in which such person
48 resides unless such person has already registered in that county for the same offense. For any
49 juvenile under subdivision (6) of subsection 1 of this section, within three business days of

50 adjudication or release from commitment to the division of youth services, the department of
51 mental health, or other placement, such juvenile shall register with the chief law enforcement
52 official of the county or city not within a county in which he or she resides unless he or she has
53 already registered in such county or city not within a county for the same offense. Any person
54 to whom sections 589.400 to 589.425 apply if not currently registered in their county of
55 residence shall register with the chief law enforcement official of such county or city not within
56 a county within three business days. The chief law enforcement official shall forward a copy of
57 the registration form required by section 589.407 to a city, town, village, or campus law
58 enforcement agency located within the county of the chief law enforcement official.

59 3. The registration requirements of sections 589.400 through 589.425 shall be as
60 provided under subsection 4 of this section unless:

61 (1) All offenses requiring registration are reversed, vacated, or set aside; **or**

62 (2) ~~[(The registrant is no longer required to register and his or her name shall be removed~~
63 ~~from the registry under the provisions of section 589.414; or~~

64 ~~———(3)]~~ The court orders the removal or exemption of such person from the registry under
65 section 589.401.

66 4. The registration requirements shall be as follows:

67 (1) Fifteen years if the offender is a tier I sex offender as provided under section
68 589.414;

69 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
70 589.414; or

71 (3) The life of the offender if the offender is a tier III sex offender.

72 5. (1) The registration period shall be reduced as described in subdivision (3) of this
73 subsection for a sex offender who maintains a clean record for the periods described under
74 subdivision (2) of this subsection by:

75 (a) Not being adjudicated of any offense for which imprisonment for more than one year
76 may be imposed;

77 (b) Not being adjudicated of any sex offense;

78 (c) Successfully completing any periods of supervised release, probation, or parole; and

79 (d) Successfully completing an appropriate sex offender treatment program certified by
80 the attorney general.

81 (2) In the case of a:

82 (a) Tier I sex offender, the period during which the clean record shall be maintained is
83 ten years;

84 (b) Tier III sex offender adjudicated delinquent for the offense which required
85 registration in a sex offender registry under sections 589.400 to 589.425, the period during which
86 the clean record shall be maintained is twenty-five years.

87 (3) In the case of a:

88 (a) Tier I sex offender, the reduction is five years;

89 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period
90 for which the clean record under paragraph (b) of subdivision (2) of this subsection is
91 maintained.

92 6. For processing an initial sex offender registration the chief law enforcement officer
93 of the county or city not within a county may charge the offender registering a fee of up to ten
94 dollars.

95 7. For processing any change in registration required pursuant to section 589.414 the
96 chief law enforcement official of the county or city not within a county may charge the person
97 changing their registration a fee of five dollars for each change made after the initial registration.

98 8. Any person currently on the sexual offender registry or who otherwise would be
99 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
100 nature when the victim was a child and he or she was the parent or guardian of the child,
101 nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual
102 nature when the victim was a child and he or she was the parent or guardian of the child shall be
103 removed from the registry. However, such person shall remain on the sexual offender registry
104 for any other offense for which he or she is required to register under sections 589.400 to
105 589.425.

106 9. The following persons shall be exempt from registering as a sexual offender upon
107 petition to the court of jurisdiction under section 589.401; except that, such person shall remain
108 on the sexual offender registry for any other offense for which he or she is required to register
109 under sections 589.400 to 589.425:

110 (1) Any person currently on the sexual offender registry or who otherwise would be
111 required to register for a sexual offense involving:

112 (a) Sexual conduct where no force or threat of force was directed toward the victim or
113 any other individual involved, if the victim was an adult, unless the adult was under the custodial
114 authority of the offender at the time of the offense; or

115 (b) Sexual conduct where no force or threat of force was directed toward the victim, the
116 victim was at least fourteen years of age, and the offender was not more than four years older
117 than the victim at the time of the offense; or

118 (2) Any person currently required to register for the following sexual offenses:

119 (a) Promoting obscenity in the first degree under section 573.020;

- 120 (b) Promoting obscenity in the second degree under section 573.030;
121 (c) Furnishing pornographic materials to minors under section 573.040;
122 (d) Public display of explicit sexual material under section 573.060;
123 (e) Coercing acceptance of obscene material under section 573.065;
124 (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor
125 under section 566.206;
126 (g) Abusing an individual through forced labor under section 566.203;
127 (h) Contributing to human trafficking through the misuse of documentation under section
128 566.215; or
129 (i) Acting as an international marriage broker and failing to provide the information and
130 notice as required under section 578.475.

131 10. Any person currently on the sexual offender registry for having been adjudicated for
132 a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses
133 listed under section 589.414 may file a petition under section 589.401.

134 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
135 student shall register for the duration of such person's employment, including participation as a
136 volunteer or intern, or attendance at any school of higher education whether public or private,
137 including any secondary school, trade school, professional school, or institution of higher
138 education on a full-time or part-time basis in this state unless granted relief under section
139 589.401. Any registered offender shall provide information regarding any place in which the
140 offender is staying when away from his or her residence for seven or more days, including the
141 period of time the offender is staying in such place. Any registered offender from another state
142 who has a temporary residence in this state and resides more than seven days in a twelve-month
143 period shall register for the duration of such person's temporary residency unless granted relief
144 under section 589.401.

589.401. 1. A person on the sexual offender registry may file a petition in the division
2 of the circuit court in the county or city not within a county in which the offense requiring
3 registration was committed to have his or her name removed from the sexual offender registry.

4 2. A person who is required to register in this state because of an offense that was
5 adjudicated in another jurisdiction shall file his or her petition for removal according to the laws
6 of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or foreign
7 country in which his or her offense was adjudicated. Upon the grant of the petition for removal
8 in the jurisdiction where the offense was adjudicated, such judgment may be registered in this
9 state by sending the information required under subsection 5 of this section as well as one
10 authenticated copy of the order granting removal from the sexual offender registry in the
11 jurisdiction where the offense was adjudicated to the court in the county or city not within a

12 county in which the offender is required to register. On receipt of a request for registration
13 removal, the registering court shall cause the order to be filed as a foreign judgment, together
14 with one copy of the documents and information, regardless of their form. The petitioner shall
15 be responsible for costs associated with filing the petition.

16 3. A person required to register as a tier III offender shall not file a petition under this
17 section unless the requirement to register results from a juvenile adjudication.

18 4. The petition shall be dismissed without prejudice if the following time periods have
19 not elapsed since the date the person was required to register for his or her most recent offense
20 under sections 589.400 to 589.425:

21 (1) For a tier I offense, ten years;

22 (2) For a tier II offense, twenty-five years; or

23 (3) For a tier III offense adjudicated delinquent, twenty-five years.

24 5. The petition shall be dismissed without prejudice if it fails to include any of the
25 following:

26 (1) The petitioner's:

27 (a) Full name, including any alias used by the individual;

28 (b) Sex;

29 (c) Race;

30 (d) Date of birth;

31 (e) Last four digits of the Social Security number;

32 (f) Address; and

33 (g) Place of employment, school, or volunteer status;

34 (2) The offense and tier of the offense that required the petitioner to register;

35 (3) The date the petitioner was adjudicated for the offense;

36 (4) The date the petitioner was required to register;

37 (5) The case number and court, including the county or city not within a county, that
38 entered the original order for the adjudicated sex offense;

39 (6) Petitioner's fingerprints on an applicant fingerprint card;

40 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
41 vacated, or set aside, an authenticated copy of the order; and

42 (8) If the petitioner is currently registered under applicable law and has not been
43 adjudicated for failure to register in any jurisdiction and does not have any charges pending for
44 failure to register.

45 6. The petition shall name as respondents the Missouri state highway patrol and the chief
46 law enforcement official in the county or city not within a county in which the petition is filed.

47 7. All proceedings under this section shall be governed under the Missouri supreme court
48 rules of civil procedure.

49 8. The person seeking removal or exemption from the registry shall provide the
50 prosecuting attorney in the circuit court in which the petition is filed with notice of the petition.
51 The prosecuting attorney may present evidence in opposition to the requested relief or may
52 otherwise demonstrate the reasons why the petition should be denied. Failure of the person
53 seeking removal or exemption from the registry to notify the prosecuting attorney of the petition
54 shall result in an automatic denial of such person's petition.

55 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
56 access to all applicable records concerning the petitioner including, but not limited to, criminal
57 history records, mental health records, juvenile records, and records of the department of
58 corrections or probation and parole.

59 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
60 crime for which the person was required to register of the petition and the dates and times of any
61 hearings or other proceedings in connection with such petition.

62 11. The court shall not enter an order directing the removal of the petitioner's name from
63 the sexual offender registry unless it finds the petitioner:

64 (1) Has not been adjudicated or does not have charges pending for any additional
65 nonsexual offense for which imprisonment for more than one year may be imposed since the date
66 the offender was required to register for his or her current tier level;

67 (2) Has not been adjudicated or does not have charges pending for any additional sex
68 offense that would require registration under sections 589.400 to 589.425 since the date the
69 offender was required to register for his or her current tier level, even if the offense was
70 punishable by less than one year imprisonment;

71 (3) Has successfully completed any required periods of supervised release, probation,
72 or parole without revocation since the date the offender was required to register for his or her
73 current tier level;

74 (4) Has successfully completed an appropriate sex offender treatment program as
75 approved by a court of competent jurisdiction or the Missouri department of corrections; and

76 (5) Is not a current or potential threat to public safety.

77 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of
78 this section, the fingerprints filed in the case shall be examined by the Missouri state highway
79 patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based
80 criminal history check of both state and federal files under section 43.530.

81 13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2)
82 of subsection 11 of this section, the petitioner shall not file a new petition under this section
83 until:

84 (1) Fifteen years have passed from the date of the adjudication resulting in the denial of
85 relief if the petitioner is classified as a tier I offender;

86 (2) Twenty-five years have passed from the date of adjudication resulting in the denial
87 of relief if the petitioner is classified as a tier II offender; or

88 (3) Twenty-five years have passed from the date of the adjudication resulting in the
89 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
90 adjudication.

91 14. If the petition is denied due to the petitioner having charges pending in violation of
92 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition
93 under this section until:

94 (1) The pending charges resulting in the denial of relief have been finally disposed of in
95 a manner other than adjudication; or

96 (2) If the pending charges result in an adjudication, the necessary time period has elapsed
97 under subsection 13 of this section.

98 15. If the petition is denied for reasons other than those outlined in subsection 11 of this
99 section, no successive petition requesting such relief shall be filed for at least five years from the
100 date the judgment denying relief is entered.

101 16. If the court finds the petitioner is entitled to have his or her name removed from the
102 sexual offender registry, the court shall enter judgment directing the removal of the name. A
103 copy of the judgment shall be provided to the respondents named in the petition.

104 17. Any person subject to the judgment requiring his or her name to be removed from
105 the sexual offender registry is not required to register under sections 589.400 to 589.425 unless
106 such person is required to register for an offense that was different from that listed on the
107 judgment of removal.

108 18. The court shall not deny the petition unless the petition failed to comply with the
109 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
110 demonstrating the petition should be denied.

589.404. As used in sections 589.400 to 589.425, the following terms mean:

2 (1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea
3 of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to
4 committing, attempting to commit, or conspiring to commit. **"Adjudicated" or "adjudication"**
5 **includes charges adjudicated as part of a multicount offense;**

6 (2) "Adjudicated delinquent", a person found to have committed an offense that, if
7 committed by an adult, would be a criminal offense;

8 (3) "Chief law enforcement official", the sheriff's office of each county or the police
9 department of a city not within a county;

10 (4) "Offender registration", the required minimum informational content of sex offender
11 registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex
12 offender registration card upon initial registration in Missouri, as well as all other forms required
13 by the Missouri state highway patrol upon each initial and subsequent registration;

14 (5) "Residence", any place where an offender sleeps for seven or more consecutive or
15 nonconsecutive days or nights within a twelve-month period;

16 (6) "Sex offender", any person who meets the criteria to register under sections 589.400
17 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh
18 Child Protection and Safety Act of 2006, P.L. 109-248;

19 (7) "Sex offense", any offense, **including each individual charge adjudicated as part**
20 **of a multicount offense**, which is listed under section 589.414 or comparable to those listed
21 under section 589.414 or otherwise comparable to offenses covered under the Sex Offender
22 Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act
23 of 2006, P.L. 109-248;

24 (8) "Sexual act", any type or degree of genital, oral, or anal penetration;

25 (9) "Sexual contact", any sexual touching of or contact with a person's body, either
26 directly or through the clothing;

27 (10) "Sexual element", used for the purposes of distinguishing if sexual contact or a
28 sexual act was committed. Authorities shall refer to information filed by the prosecutor,
29 amended information filed by the prosecutor, indictment information filed by the prosecutor, or
30 amended indictment information filed by the prosecutor, the plea agreement, or court
31 documentation to determine if a sexual element exists;

32 (11) "Signature", the name of the offender signed in writing or electronic form approved
33 by the Missouri state highway patrol;

34 (12) "Student", an individual who enrolls in or attends the physical location of an
35 educational institution, including a public or private secondary school, trade or professional
36 school, or an institution of higher education;

37 (13) "Vehicle", any land vehicle, watercraft, or aircraft.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
2 three business days, appear in person to the chief law enforcement officer of the county or city
3 not within a county if there is a change to any of the following information:

4 (1) Name;

- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within three
10 business days, notify the chief law enforcement official of the county or city not within a county
11 of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this section
21 to the Missouri state highway patrol within three business days.

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the person
25 last registered and the chief law enforcement official of the county or city not within a county
26 having jurisdiction over the new residence or address in writing within three business days of
27 such new address and phone number, if the phone number is also changed. If any person
28 required by sections 589.400 to 589.425 to register changes his or her state, territory, the District
29 of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person
30 shall appear in person and shall inform both the chief law enforcement official with whom the
31 person was last registered and the chief law enforcement official of the area in the new state,
32 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction
33 having jurisdiction over the new residence or address within three business days of such new
34 address. Whenever a registrant changes residence, the chief law enforcement official of the
35 county or city not within a county where the person was previously registered shall inform the
36 Missouri state highway patrol of the change within three business days. When the registrant is
37 changing the residence to a new state, territory, the District of Columbia, or foreign country, or
38 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the
39 responsible official in the new state, territory, the District of Columbia, or foreign country, or
40 federal, tribal, or military jurisdiction of residence within three business days.

41 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
 42 section, shall report in person to the chief law enforcement official annually in the month of their
 43 birth to verify the information contained in their statement made pursuant to section 589.407.

44 Tier I sexual offenders include:

45 (1) Any offender who has been adjudicated for the offense of:

46 (a) ~~[Sexual abuse in the first degree under section 566.100 if the victim is eighteen years~~
 47 ~~of age or older;~~

48 ~~————(b) Sexual misconduct involving a child under section 566.083 if it is a first offense and~~
 49 ~~the punishment is less than one year;~~

50 ~~————(e) Sexual misconduct in the first degree under section 566.090 as it existed prior~~
 51 ~~to August 28, 2013, or sexual abuse in the second degree under section 566.101 [if the~~
 52 ~~punishment is less than a year] , if either offense is a misdemeanor;~~

53 ~~[(d) Kidnapping in the second degree under section 565.120 with sexual motivation;~~

54 ~~————(e) Kidnapping in the third degree under section 565.130;]~~

55 ~~[(f) (b) Sexual conduct with a nursing facility resident or vulnerable person in the first~~
 56 ~~degree under section 566.115 [if the punishment is less than one year] if the offense is a~~
 57 ~~misdemeanor;~~

58 ~~[(g) (c) Sexual conduct under section 566.116 with a nursing facility resident or~~
 59 ~~vulnerable person;~~

60 ~~[(h) (d) Sexual [contact] conduct with a prisoner or offender under section 566.145 if~~
 61 ~~the victim is eighteen years of age or older;~~

62 ~~[(i) (e) Sex with an animal under section 566.111;~~

63 ~~[(j) (f) Trafficking for the purpose of sexual exploitation under section 566.209 if the~~
 64 ~~victim is eighteen years of age or older;~~

65 ~~[(k) (g) Possession of child pornography under section 573.037;~~

66 ~~[(l) (h) Sexual misconduct in the second degree under section 566.093 as it existed~~
 67 ~~prior to August 28, 2013, or sexual misconduct in the first degree under section 566.093;~~

68 ~~[(m) (i) Sexual misconduct in the third degree under section 566.095 as it existed~~
 69 ~~prior to August 28, 2013, or sexual misconduct in the second degree under section 566.095;~~

70 ~~[(n) (j) Child molestation in the second degree under section 566.068 as it existed prior~~
 71 ~~to January 1, 2017, [if the punishment is less than one year] if the offense is a misdemeanor;~~

72 ~~[or~~

73 ~~————(o) (k) Invasion of privacy under section 565.252 if the victim is less than eighteen~~
 74 ~~years of age; or~~

75 **(l) Sexual assault in the second degree under section 566.050 as it existed prior to**
 76 **August 28, 1994, if no force or threat of force was used and no injury was inflicted on any**
 77 **person;**

78 (2) Any offender who is or has been adjudicated in any other state, territory, the District
 79 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
 80 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
 81 this subsection or, if not comparable to those in this subsection, comparable to those described
 82 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
 83 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

84 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
 85 section, shall report semiannually in person in the month of their birth and six months thereafter
 86 to the chief law enforcement official to verify the information contained in their statement made
 87 pursuant to section 589.407. Tier II sexual offenders include:

88 (1) Any offender who has been adjudicated for the offense of:

89 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen
 90 to seventeen years of age;

91 (b) Child molestation in the third degree under section 566.069 if the victim is between
 92 thirteen and fourteen years of age;

93 (c) ~~[Sexual contact with a student under section 566.086 if the victim is thirteen to~~
 94 ~~seventeen years of age;~~

95 ~~——(d)] Enticement of a child under section 566.151;~~

96 ~~[(e)]~~ (d) Abuse of a child under section 568.060 if the offense is of a sexual nature and
 97 the victim is thirteen to seventeen years of age;

98 ~~[(f)]~~ (e) Sexual exploitation of a minor under section 573.023;

99 ~~[(g)]~~ (f) Promoting child pornography in the first degree under section 573.025;

100 ~~[(h)]~~ (g) Promoting child pornography in the second degree under section 573.035;

101 ~~[(i)]~~ (h) Patronizing prostitution under section 567.030;

102 ~~[(j)]~~ (i) Sexual contact with a prisoner or offender under section 566.145 if the victim
 103 is thirteen to seventeen years of age;

104 ~~[(k)]~~ (j) Child molestation in the fourth degree under section 566.071 if the victim is
 105 thirteen to seventeen years of age;

106 ~~[(l)]~~ (k) Sexual misconduct involving a child under section 566.083 if it is a first offense
 107 ~~[and the penalty is a term of imprisonment of more than a year]; [or~~

108 ~~——(m)]~~ (l) Age misrepresentation with intent to solicit a minor under section 566.153; or

109 (m) **Sexual misconduct in the first degree under section 566.090 as it existed prior**
 110 **to August 28, 2013, if the offense was a felony;**

111 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in
112 this section or failure to register offense under section 589.425 or comparable out-of-state failure
113 to register offense and who is already required to register as a tier I offender due to having been
114 adjudicated of a tier I offense on a previous occasion; or

115 (3) Any person who is or has been adjudicated in any other state, territory, the District
116 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
117 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed
118 in this subsection or, if not comparable to those in this subsection, comparable to those described
119 as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
120 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

121 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this
122 section, shall report in person to the chief law enforcement official every ninety days to verify
123 the information contained in their statement made under section 589.407. Tier III sexual
124 offenders include:

125 (1) Any offender registered as a predatory sexual offender as defined in section
126 ~~[566.123]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;

127 (2) Any offender who has been adjudicated for the crime of:

128 (a) Rape in the first degree under section 566.030;

129 (b) Statutory rape in the first degree under section 566.032;

130 (c) Rape in the second degree under section 566.031;

131 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
132 offense is sexual in nature;

133 (e) Sodomy in the first degree under section 566.060;

134 (f) Statutory sodomy under section 566.062;

135 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;

136 (h) Sodomy in the second degree under section 566.061;

137 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
138 or subsequent offense;

139 (j) **Sexual abuse under section 566.100 as it existed prior to August 28, 2013, or**
140 sexual abuse in the first degree under section 566.100 ~~[if the victim is under thirteen years of~~
141 ~~age]~~;

142 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
143 years of age, excluding kidnapping by a parent or guardian;

144 (l) Child kidnapping under section 565.115;

145 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
146 degree under section 566.115 ~~[if the punishment is greater than a year]~~ **if the offense is a felony**;

- 147 (n) Incest under section 568.020;
- 148 (o) Endangering the welfare of a child in the first degree under section 568.045 with
149 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 150 (p) Child molestation in the first degree under section 566.067;
- 151 (q) Child molestation in the second degree under section 566.068;
- 152 (r) Child molestation in the third degree under section 566.069 if the victim is under
153 thirteen years of age;
- 154 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
155 eighteen years of age;
- 156 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
157 under eighteen years of age;
- 158 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
159 eighteen years of age;
- 160 (v) Promoting travel for prostitution under section 567.085 if the victim is under
161 eighteen years of age;
- 162 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
163 is under eighteen years of age;
- 164 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 165 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 166 (z) Genital mutilation of a female child under section 568.065;
- 167 (aa) Statutory rape in the second degree under section 566.034;
- 168 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
169 thirteen years of age;
- 170 (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term~~
171 ~~of imprisonment of more than a year]~~ **if the offense is a felony**;
- 172 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
173 offender;
- 174 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
175 victim is under thirteen years of age;
- 176 (ff) Sexual ~~[contact]~~ **conduct** with a prisoner or offender under section 566.145 if the
177 victim is under thirteen years of age;
- 178 (gg) Sexual ~~[intercourse]~~ **conduct** with a prisoner or offender under section 566.145;
- 179 (hh) Sexual contact with a student under section 566.086 if the victim is ~~[under thirteen]~~
180 **eighteen years of age or under**;
- 181 (ii) Use of a child in a sexual performance under section 573.200; ~~[or]~~

182 (jj) **Felonious restraint under section 565.120 as it existed prior to January 1, 2017,**
183 **or kidnapping in the second degree under section 565.120 if either offense is sexual in**
184 **nature;**

185 (kk) **False imprisonment under section 565.130 as it existed prior to January 1,**
186 **2017, or kidnapping in the third degree under section 565.130 if either offense is sexual in**
187 **nature or if the victim is a minor and the offense is a felony;**

188 (ll) **Sexual assault in the second degree under section 566.050 as it existed prior to**
189 **August 28, 1994, if the offense is a class C felony; or**

190 (mm) Promoting a sexual performance by a child under section 573.205;

191 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
192 listed in this section or failure to register offense under section 589.425, or other comparable
193 out-of-state failure to register offense, who has been or is already required to register as a tier II
194 offender because of having been adjudicated for a tier II offense, two tier I offenses, or
195 combination of a tier I offense and failure to register offense, on a previous occasion;

196 (4) Any offender who is adjudicated in any other state, territory, the District of
197 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
198 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
199 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of
200 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

201 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
202 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II
203 offense in this section.

204 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
205 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
206 public or private, including any secondary school, trade school, professional school, or institution
207 of higher education, on a full-time or part-time basis or have a temporary residence in this state
208 shall be required to report in person to the chief law enforcement officer in the area of the state
209 where they work, including as a volunteer or unpaid intern, or attend any school or training and
210 register in that state. "Part-time" in this subsection means for more than seven days in any
211 twelve-month period.

212 9. If a person who is required to register as a sexual offender under sections 589.400 to
213 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
214 report such information in the same manner as a change of residence before using such online
215 identifier.

589.805. 1. The department of public safety shall establish a pilot program to be
2 **known as the "Community Crime Reduction Grant Program" to provide moneys to**

3 **qualifying municipal police departments, as provided under subsection 2 of this section.**
4 **Grants provided under this section shall be subject to appropriation by the general**
5 **assembly and shall be equally dispersed among qualifying municipal police departments.**

6 **2. To be eligible for a grant under the program, the municipal police department**
7 **shall:**

8 **(1) Employ less than two officers per one thousand people, as measured by the**
9 **Bureau of Justice Statistics, Office of Justice Programs, within the U.S. Department of**
10 **Justice; and**

11 **(2) Serve a city with a population of seventy-five thousand inhabitants to one**
12 **hundred twenty-five thousand inhabitants that is located in a first class county.**

13 **3. Grants received by a municipal police department under this program shall be**
14 **used as payment for the following:**

15 **(1) Up to fifty percent of the cost of employing new law enforcement officers needed**
16 **to raise the department's officer to population ratio to two officers per one thousand people**
17 **as measured by the Bureau of Justice Statistics, Office of Justice Programs, within the U.S.**
18 **Department of Justice; and**

19 **(2) Up to one hundred percent of the cost for law enforcement officers hired with**
20 **grant moneys by the municipal police department to attend not less than one seminar**
21 **relating to fair and impartial policing and one seminar relating to racial sensitivity at the**
22 **University of Missouri Law Enforcement Training Institute.**

23 **4. Municipal police departments receiving grants under the pilot program shall**
24 **submit an annual report to the department of public safety on or before December thirty-**
25 **first of each year in which the department received a grant, including the following**
26 **information:**

27 **(1) An itemized list of how the moneys were used;**

28 **(2) The number of law enforcement officers hired;**

29 **(3) The number of hours of advanced training obtained by law enforcement**
30 **officers;**

31 **(4) The municipal police department's plans to retain officers hired with grant**
32 **moneys once such moneys expire; and**

33 **(5) The most recent crime statistics within the municipality compared to the crime**
34 **statistics when the municipal police department initiated participation in the pilot**
35 **program.**

36 **5. There is hereby created in the state treasury the "Community Crime Reduction**
37 **Program Fund", which shall consist of all gifts, bequests, transfers, and moneys**
38 **appropriated by the general assembly under this section. The state treasurer shall be**

39 **custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
40 **may approve disbursements. The fund shall be a dedicated fund and, upon appropriation,**
41 **moneys in the fund shall be used solely by the department of public safety to issue grants**
42 **to qualifying municipal police departments through the pilot program established under**
43 **this section. Notwithstanding the provisions of section 33.080, to the contrary, any moneys**
44 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
45 **general revenue fund; however, if at the end of fiscal year 2025 the fund remains**
46 **unutilized, any moneys remaining in the fund shall revert to the credit of the general**
47 **revenue fund in fiscal year 2026. The state treasurer shall invest moneys in the fund in the**
48 **same manner as other funds are invested. Any interest and moneys earned on such**
49 **investments shall be credited to the fund.**

50 **6. The department of public safety shall administer the grants issued under the**
51 **pilot program and promulgate all necessary rules and regulations for the administration**
52 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
53 **is created under the authority delegated in this section shall become effective only if it**
54 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
55 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
56 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
57 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
58 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2020,**
59 **shall be invalid and void.**

60 **7. Pursuant to section 23.253 of the Missouri sunset act:**

61 **(1) The provisions of the new program authorized under this section shall**
62 **automatically sunset four years after the effective date of this section unless reauthorized**
63 **by an act of the general assembly;**

64 **(2) If such program is reauthorized, the program authorized under this section**
65 **shall automatically sunset ten years after the effective date of the reauthorization of this**
66 **section; and**

67 **(3) This section shall terminate on September first of the calendar year immediately**
68 **following the calendar year in which the program authorized under this section is sunset.**

590.207. Notwithstanding any other provision of law to the contrary, any person
2 designated as a school protection officer under the provisions of section 160.665 who allows any
3 such firearm out of ~~his or her~~ **such officer's** personal control while that firearm is on school
4 property as provided under ~~subsection 2 of~~ section 160.665 shall be guilty of a class B
5 misdemeanor and may be subject to employment termination proceedings within the school
6 district **if such school protection officer is an elementary or secondary school teacher or**

7 **administrator or dismissal if such school protection officer is a volunteer under section**
8 **160.665.**

2 610.021. Except to the extent disclosure is otherwise required by law, a public
3 governmental body is authorized to close meetings, records and votes, to the extent they relate
4 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or its
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating
7 to legal actions, causes of action or litigation involving a public governmental body or any agent
8 or entity representing its interests or acting on its behalf or with its authority, including any
9 insurance company acting on behalf of a public government body as its insured, shall be made
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the
11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the
13 action clearly outweighs the public policy considerations of section 610.011, however, the
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote
16 shall be announced or become public immediately following the action on the motion to
17 authorize institution of such a legal action. Legal work product shall be considered a closed
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale
22 of real estate by a public governmental body shall be made public upon execution of the lease,
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,
27 promote or discipline an employee of a public governmental body shall be made available with
28 a record of how each member voted to the public within seventy-two hours of the close of the
29 meeting where such action occurs; provided, however, that any employee so affected shall be
30 entitled to prompt notice of such decision during the seventy-two-hour period before such
31 decision is made available to the public. As used in this subdivision, the term "personal
32 information" means information relating to the performance or merit of individual employees;

33 (4) The state militia or national guard or any part thereof;

34 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
35 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
36 treatment;

37 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including
38 records of individual test or examination scores; however, personally identifiable student records
39 maintained by public educational institutions shall be open for inspection by the parents,
40 guardian or other custodian of students under the age of eighteen years and by the parents,
41 guardian or other custodian and the student if the student is over the age of eighteen years;

42 (7) Testing and examination materials, before the test or examination is given or, if it
43 is to be given again, before so given again;

44 (8) Welfare cases of identifiable individuals;

45 (9) Preparation, including any discussions or work product, on behalf of a public
46 governmental body or its representatives for negotiations with employee groups;

47 (10) Software codes for electronic data processing and documentation thereof;

48 (11) Specifications for competitive bidding, until either the specifications are officially
49 approved by the public governmental body or the specifications are published for bid;

50 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals
51 and related documents or any documents related to a negotiated contract until a contract is
52 executed, or all proposals are rejected;

53 (13) Individually identifiable personnel records, performance ratings or records
54 pertaining to employees or applicants for employment, except that this exemption shall not apply
55 to the names, positions, salaries and lengths of service of officers and employees of public
56 agencies once they are employed as such, and the names of private sources donating or
57 contributing money to the salary of a chancellor or president at all public colleges and
58 universities in the state of Missouri and the amount of money contributed by the source;

59 (14) Records which are protected from disclosure by law;

60 (15) Meetings and public records relating to scientific and technological innovations in
61 which the owner has a proprietary interest;

62 (16) Records relating to municipal hotlines established for the reporting of abuse and
63 wrongdoing;

64 (17) Confidential or privileged communications between a public governmental body
65 and its auditor, including all auditor work product; however, all final audit reports issued by the
66 auditor are to be considered open records pursuant to this chapter;

67 (18) Operational guidelines, policies and specific response plans developed, adopted, or
68 maintained by any public agency responsible for law enforcement, public safety, first response,
69 or public health for use in responding to or preventing any critical incident which is or appears

70 to be terrorist in nature and which has the potential to endanger individual or public safety or
71 health. Financial records related to the procurement of or expenditures relating to operational
72 guidelines, policies or plans purchased with public funds shall be open. When seeking to close
73 information pursuant to this exception, the public governmental body shall affirmatively state
74 in writing that disclosure would impair the public governmental body's ability to protect the
75 security or safety of persons or real property, and shall in the same writing state that the public
76 interest in nondisclosure outweighs the public interest in disclosure of the records;

77 (19) Existing or proposed security systems **or procedures** and structural plans of real
78 property owned or leased by a public governmental body **including, but not limited to,**
79 **evacuation and lockdown procedures for the buildings on such real property,** and
80 information that is voluntarily submitted by a nonpublic entity owning or operating an
81 infrastructure to any public governmental body for use by that body to devise plans for protection
82 of that infrastructure **including, but not limited to, software or surveillance companies that**
83 **secure access to such buildings,** the public disclosure of which would threaten public safety:

84 (a) Records related to the procurement of or expenditures relating to security systems
85 purchased with public funds shall be open;

86 (b) When seeking to close information pursuant to this exception, the public
87 governmental body shall affirmatively state in writing that disclosure would impair the public
88 governmental body's ability to protect the security or safety of persons or real property, and shall
89 in the same writing state that the public interest in nondisclosure outweighs the public interest
90 in disclosure of the records;

91 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the
92 receiving agency within ninety days of submission to determine if retention of the document is
93 necessary in furtherance of a state security interest. If retention is not necessary, the documents
94 shall be returned to the nonpublic governmental body or destroyed;

95 (20) The portion of a record that identifies security systems or access codes or
96 authorization codes for security systems of real property;

97 (21) Records that identify the configuration of components or the operation of a
98 computer, computer system, computer network, or telecommunications network, and would
99 allow unauthorized access to or unlawful disruption of a computer, computer system, computer
100 network, or telecommunications network of a public governmental body. This exception shall
101 not be used to limit or deny access to otherwise public records in a file, document, data file or
102 database containing public records. Records related to the procurement of or expenditures
103 relating to such computer, computer system, computer network, or telecommunications network,
104 including the amount of moneys paid by, or on behalf of, a public governmental body for such
105 computer, computer system, computer network, or telecommunications network shall be open;

106 (22) Credit card numbers, personal identification numbers, digital certificates, physical
107 and virtual keys, access codes or authorization codes that are used to protect the security of
108 electronic transactions between a public governmental body and a person or entity doing business
109 with a public governmental body. Nothing in this section shall be deemed to close the record
110 of a person or entity using a credit card held in the name of a public governmental body or any
111 record of a transaction made by a person using a credit card or other method of payment for
112 which reimbursement is made by a public governmental body; and

113 (23) Records submitted by an individual, corporation, or other business entity to a public
114 institution of higher education in connection with a proposal to license intellectual property or
115 perform sponsored research and which contains sales projections or other business plan
116 information the disclosure of which may endanger the competitiveness of a business.

**632.460. 1. A person commits the offense of unlawful use of unmanned aircraft
2 over a mental health hospital if he or she purposely:**

3 (1) Operates an unmanned aircraft within a vertical distance of four hundred feet
4 over the mental health hospital's property line; or

5 (2) Uses an unmanned aircraft to deliver to a person confined in a mental health
6 hospital any object described in subdivision (1) or (3) of subsection 6 of this section.

7 2. For the purposes of subsection 1 of this section, vertical distance extends from
8 ground level.

9 3. For purposes of this section, "mental health hospital" shall mean a facility
10 operated by the department of mental health to provide inpatient evaluation, treatment,
11 or care to persons suffering from a mental disorder, as defined under section 630.005;
12 mental illness, as defined under section 630.005; or mental abnormality, as defined under
13 section 632.480.

14 4. The provisions of this section shall not prohibit the operation of an unmanned
15 aircraft by:

16 (1) An employee of the mental health hospital at the direction of the chief
17 administrative officer of the mental health hospital;

18 (2) A person who has written consent from the chief administrative officer of the
19 mental health hospital;

20 (3) An employee of a law enforcement agency, fire department, or emergency
21 medical service in the exercise of official duties;

22 (4) A government official or employee in the exercise of official duties;

23 (5) A public utility or a rural electric cooperative if:

24 (a) The unmanned aircraft is used for the purpose of inspecting, repairing, or
25 maintaining utility transmission or distribution lines or other utility equipment or
26 infrastructure;

27 (b) The utility notifies the mental health hospital before flying the unmanned
28 aircraft, except during an emergency; and

29 (c) The person operating the unmanned aircraft does not physically enter the
30 prohibited space without an escort provided by the mental health hospital;

31 (6) An employee of a railroad in the exercise of official duties on any land owned
32 or operated by a railroad corporation regulated by the Federal Railway Administration;
33 or

34 (7) A person operating an unmanned aircraft pursuant to and in compliance with
35 any waiver issued by the Federal Aviation Authority under 14 C.F.R. Section 107.200.

36 5. Each mental health hospital shall post a sign warning of the provisions of this
37 section. The sign shall be at least eleven inches by fourteen inches and posted in a
38 conspicuous place.

39 6. The offense of unlawful use of unmanned aircraft over a mental health hospital
40 shall be punishable as an infraction unless the person uses an unmanned aircraft for the
41 purpose of:

42 (1) Delivering a gun, knife, weapon, or other article that may be used in such
43 manner to endanger the life of a patient or mental health hospital employee, in which case
44 the offense is a class B felony;

45 (2) Facilitating an escape from commitment or detention under section 575.195, in
46 which case the offense is a class C felony; or

47 (3) Delivering a controlled substance, as that term is defined under section 195.010,
48 in which case the offense is a class D felony.

640.042. 1. As used in this section, the term "hazardous waste site" means:

2 (1) Any site on the registry of confirmed abandoned or uncontrolled hazardous
3 waste disposal sites as described in section 260.440;

4 (2) Any hazardous waste facility, as defined in section 260.360; or

5 (3) Any site that once contained hazardous waste, as defined in section 260.360, that
6 is under long-term stewardship in order to prevent residual contamination from posing a
7 risk to the public.

8 2. The department of natural resources shall create and make available on its
9 website an interactive map of hazardous waste sites in Missouri. The map shall contain
10 links to additional information on each hazardous waste site and a method for members

11 of the public to sign up to receive updates on any hazardous waste site. The information
12 shall appear together in one document or web page that is easily accessible.

13 3. Before January 1, 2021, each hazardous waste site shall post an informational
14 sign in a conspicuous place at each entrance to the site. The department of natural
15 resources shall develop the language for the sign, which shall declare that the site contains
16 hazardous waste and shall indicate that more information can be found at the website
17 described in subsection 2 of this section.

640.142. 1. Within twelve months of the effective date of this section, each public
2 water system shall create a plan that establishes policies and procedures for identifying and
3 mitigating cyber risk. The plan shall include risk assessments and implementation of
4 appropriate controls to mitigate identified cyber risks.

5 2. Public water systems that do not use an internet-connected control system are
6 exempt from the provisions of this section.

7 3. The provisions of this section shall not apply to any state parks, cities with a
8 population of more than thirty thousand inhabitants, a county with a charter form of
9 government and with more than six hundred thousand but fewer than seven hundred
10 thousand inhabitants, a county with a charter form of government and with more than
11 nine hundred fifty thousand inhabitants, or a public service commission regulated utility
12 with more than thirty thousand customers.

640.144. 1. All public water systems shall be required to create a valve inspection
2 program that includes:

3 (1) Inspection of all valves every ten years;

4 (2) Scheduled repair or replacement of broken valves; and

5 (3) Within five years of the effective date of this section, identification of each shut
6 off valve location using a geographic information system or an alternative physical
7 mapping system that accurately identifies the location of each valve.

8 2. All public water systems shall be required to create a hydrant inspection
9 program that includes:

10 (1) Annual testing of every hydrant in the public water system;

11 (2) Scheduled repair or replacement of broken hydrants;

12 (3) A plan to flush every hydrant and dead-end main;

13 (4) Maintenance of records of inspections, tests, and flushings for six years; and

14 (5) Within five years of the effective date of this section, identification of each
15 hydrant location using a geographic information system or an alternative physical
16 mapping system that accurately identifies the location of each hydrant.

17 **3. The provisions of this section shall not apply to any state parks, cities with a**
18 **population of more than thirty thousand inhabitants, a county with a charter form of**
19 **government and with more than six hundred thousand but fewer than seven hundred**
20 **thousand inhabitants, a county with a charter form of government and with more than**
21 **nine hundred fifty thousand inhabitants, or a public service commission regulated utility**
22 **with more than thirty thousand customers.**

640.145. 1. Public water systems shall submit a report upon request of the
2 **department of natural resources that shall certify compliance with all regulations**
3 **regarding:**

4 **(1) Water quality sampling, testing, and reporting;**

5 **(2) Hydrant and valve inspections under section 640.144; and**

6 **(3) Cyber security plans and policies, if required under section 640.142.**

7 **2. The provisions of this section shall not apply to any state parks, cities with a**
8 **population of more than thirty thousand inhabitants, a county with a charter form of**
9 **government and with more than six hundred thousand but fewer than seven hundred**
10 **thousand inhabitants, a county with a charter form of government and with more than**
11 **nine hundred fifty thousand inhabitants, or a public service commission regulated utility**
12 **with more than thirty thousand customers.**

650.005. 1. There is hereby created a "Department of Public Safety" in charge of a
2 **director appointed by the governor with the advice and consent of the senate. The department's**
3 **role will be to provide overall coordination in the state's public safety and law enforcement**
4 **program, to provide channels of coordination with local and federal agencies in regard to public**
5 **safety, law enforcement and with all correctional and judicial agencies in regard to matters**
6 **pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,**
7 **local or federal governments.**

8 **2. All the powers, duties and functions of the state highway patrol, chapter 43 and others,**
9 **are transferred by type II transfer to the department of public safety. The governor by and with**
10 **the advice and consent of the senate shall appoint the superintendent of the patrol. With the**
11 **exception of sections 43.100 to 43.120 relating to financial procedures, the director of public**
12 **safety shall succeed the state highways and transportation commission in approving actions of**
13 **the superintendent and related matters as provided in chapter 43. Uniformed members of the**
14 **patrol shall be selected in the manner provided by law and shall receive the compensation**
15 **provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to**
16 **affect the funding of appropriations or the operation of chapter 104 relating to retirement system**
17 **coverage or section 226.160 relating to workers' compensation for members of the patrol.**

18 3. All the powers, duties and functions of the supervisor of liquor control, chapter 311
19 and others, are transferred by type II transfer to the department of public safety. The supervisor
20 shall be nominated by the department director and appointed by the governor with the advice and
21 consent of the senate. The supervisor shall appoint such agents, assistants, deputies and
22 inspectors as limited by appropriations. All employees shall have the qualifications provided by
23 law and may be removed by the supervisor or director of the department as provided in section
24 311.670.

25 4. All the powers, duties and functions of the safety and fire prevention bureau of the
26 department of public health and welfare are transferred by type I transfer to the director of public
27 safety.

28 5. All the powers, duties and functions of the state fire marshal, chapter 320 and others,
29 are transferred to the department of public safety by a type I transfer.

30 6. All the powers, duties and functions of the law enforcement assistance council
31 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and
32 related acts of Congress are transferred by type I transfer to the director of public safety. The
33 director of public safety shall appoint such advisory bodies as are required by federal laws or
34 regulations. The council is abolished.

35 7. The director of public safety shall promulgate motor vehicle regulations and be ex
36 officio a member of the safety compact commission in place of the director of revenue and all
37 powers, duties and functions relating to chapter 307 are transferred by type I transfer to the
38 director of public safety.

39 8. ~~[The office of adjutant general and the state militia are assigned to the department of~~
40 ~~public safety; provided, however, nothing herein shall be construed to interfere with the powers~~
41 ~~and duties of the governor as provided in Article IV, Section 6 of the Constitution of the state~~
42 ~~of Missouri or chapter 41.~~

43 ~~9.]~~ All the powers, duties and functions of the Missouri boat commission, chapter 306
44 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is hereby
45 created, in the department of public safety. The Missouri boat commission and the office of
46 secretary to the commission are abolished. All deputy boat commissioners and all other
47 employees of the commission who were employed on February 1, 1974, shall be transferred to
48 the water patrol without further qualification. Effective January 1, 2011, all the powers, duties,
49 and functions of the Missouri state water patrol are transferred to the division of water patrol
50 within the Missouri state highway patrol as set out in section 43.390.

51 ~~[10.]~~ 9. The Missouri veterans's commission, chapter 42, is assigned to the department
52 of public safety.

53 ~~[11.]~~ **10.** Any rule or portion of a rule, as that term is defined in section 536.010, that
 54 is created under the authority delegated in this section shall become effective only if it complies
 55 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 56 This section and chapter 536 are nonseverable and if any of the powers vested with the general
 57 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
 58 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
 59 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

2 ~~[211.438. Expanding services from seventeen years of age to eighteen~~
 3 ~~years of age is a new service and shall not be effective until an appropriation~~
 4 ~~sufficient to fund the expanded service is provided therefor.]~~

2 Section B. Because immediate action is necessary to ensure that all owners, officers,
 3 managers, contractors, employees, and other support staff of medical marijuana facilities be
 4 subjected to state and federal fingerprint-based criminal background checks to ensure the
 5 integrity of the Missouri medical marijuana industry, the enactment of section 195.815 of this
 6 act is deemed necessary for the immediate preservation of the public health, welfare, peace, and
 7 safety, and the enactment of section 195.815 of this act is hereby declared to be an emergency
 8 act within the meaning of the constitution, and the enactment of section 195.815 of this act shall
 9 be in full force and effect on July 1, 2020, or upon its passage and approval, whichever occurs
 later.

2 Section C. The repeal and reenactment of the first occurrence of section 211.071 of this
 3 act shall become effective on January 1, 2021, and the repeal and reenactment of the second
 4 occurrence of section 211.071 of this act shall become effective on August 28, 2020.

2 Section D. The repeal and reenactment of section 650.005 of section A and the
 3 enactment of sections 40.003, 41.005, 45.010, 45.020, and 45.030, of section A of this act shall
 4 become effective only upon the passage and approval by the voters of a constitutional
 5 amendment submitted to them by the general assembly regarding the creation of the department
 of defense.

