

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2704
101ST GENERAL ASSEMBLY

5400H.03C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.020, 57.278, 143.121, 195.017, 195.815, 288.045, 362.105, 369.144, 370.070, 577.001, 579.015, 579.020, 579.030, 579.055, 579.065, 579.068, and 579.105, RSMo, and to enact in lieu thereof forty-eight new sections relating to marijuana, with penalty provisions.

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

Section A. Sections 37.020, 57.278, 143.121, 195.017, 195.815, 288.045, 362.105, 2 369.144, 370.070, 577.001, 579.015, 579.020, 579.030, 579.055, 579.065, 579.068, and 3 579.105, RSMo, are repealed and forty-eight new sections enacted in lieu thereof, to be 4 known as sections 37.020, 57.278, 143.121, 191.255, 195.006, 195.017, 195.815, 196.3000, 5 196.3003, 196.3006, 196.3009, 196.3012, 196.3015, 196.3018, 196.3021, 196.3024, 6 196.3026, 196.3027, 196.3028, 196.3029, 196.3031, 196.3032, 196.3036, 196.3042, 7 196.3045, 196.3047, 196.3048, 288.045, 362.033, 362.105, 369.144, 369.326, 370.064, 8 370.070, 557.059, 577.001, 579.015, 579.020, 579.030, 579.055, 579.065, 579.068, 579.105, 9 610.135, 1, 2, 3, and 4, to read as follows:

37.020. 1. As used in this section, the following words and phrases mean:

2 (1) "Certification", the determination, through whatever procedure is used by the 3 office of administration, that a legal entity is a socially and economically disadvantaged small 4 business concern for purposes of this section;

5 (2) "Department", the office of administration and any public institution of higher 6 learning in the state of Missouri;

7 (3) "Minority business enterprise", a business that is:

8 (a) A sole proprietorship owned and controlled by a minority;

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.

9 (b) A partnership or joint venture owned and controlled by minorities in which at
10 least fifty-one percent of the ownership interest is held by minorities and the management and
11 daily business operations of which are controlled by one or more of the minorities who own
12 it; or

13 (c) A corporation or other entity whose management and daily business operations
14 are controlled by one or more minorities who own it, and which is at least fifty-one percent
15 owned by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is
16 owned by one or more minorities;

17 (4) "Socially and economically disadvantaged individuals", individuals, regardless of
18 gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because
19 of their identity as a member of a group without regard to their individual qualities and whose
20 ability to compete in the free enterprise system has been impaired due to diminished capital
21 and credit opportunities as compared to others in the same business area. In determining the
22 degree of diminished credit and capital opportunities the office of administration shall
23 consider, but not be limited to, the assets and net worth of such individual;

24 (5) "Socially and economically disadvantaged small business concern", any small
25 business concern:

26 (a) Which is at least fifty-one percentum owned by one or more socially and
27 economically disadvantaged individuals; or, in the case of any publicly owned business, at
28 least fifty-one percentum of the stock of which is owned by one or more socially and
29 economically disadvantaged individuals; and

30 (b) Whose management and daily business operations are controlled by one or more
31 of such individuals;

32 (6) "Women's business enterprise", a business that is:

33 (a) A sole proprietorship owned and controlled by a woman;

34 (b) A partnership or joint venture owned and controlled by women in which at least
35 fifty-one percent of the ownership interest is held by women and the management and daily
36 business operations of which are controlled by one or more of the women who own it; or

37 (c) A corporation or other entity whose management and daily business operations
38 are controlled by one or more women who own it, and which is at least fifty-one percent
39 owned by women, or if stock is issued, at least fifty-one percent of the stock is owned by one
40 or more women.

41

42 **For purposes of this section, "woman" refers to the female biological sex assigned at**
43 **birth, the proof of which is identified by a birth certificate.**

44 2. The office of administration, in consultation with each department, shall establish
45 and implement a plan to increase and maintain the participation of certified socially and

46 economically disadvantaged small business concerns or minority business enterprises,
47 directly or indirectly, in contracts for supplies, services, and construction contracts, consistent
48 with goals determined after an appropriate study conducted to determine the availability of
49 socially and economically disadvantaged small business concerns and minority business
50 enterprises in the marketplace. The commissioner of administration shall appoint an
51 oversight review committee to oversee and review the results of such study. The committee
52 shall be composed of nine members, four of whom shall be members of business, three of
53 whom shall be from staff of selected departments, one of whom shall be a member of the
54 house of representatives, and one of whom shall be a member of the senate.

55 3. The goals to be pursued by each department under the provisions of this section
56 shall be construed to overlap with those imposed by federal law or regulation, if any, shall run
57 concurrently therewith and shall be in addition to the amount required by federal law only to
58 the extent the percentage set by this section exceeds those required by federal law or
59 regulations.

60 4. The commissioner of administration may designate a nonprofit organization as a
61 minority business enterprise or women's business enterprise for the exclusive purpose of
62 competing in other states, provided that the organization is headquartered in Missouri and the
63 collective majority of the organization's board of directors and executive management in
64 charge of daily business operations are minorities or women.

57.278. 1. There is hereby created in the state treasury the "Deputy Sheriff Salary
2 Supplementation Fund", which shall consist of money collected from charges for service
3 received by county sheriffs under subsection 4 of section 57.280 **and from disbursements of**
4 **the cannabis freedom fund under subsection 3 of section 196.3021**. The money in the
5 fund shall be used solely to supplement the salaries, and employee benefits resulting from
6 such salary increases, of county deputy sheriffs. The state treasurer shall be custodian of the
7 fund and may approve disbursements from the fund in accordance with sections 30.170 and
8 30.180. The Missouri sheriff methamphetamine relief taskforce created under section
9 650.350 shall administer the fund.

10 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
11 remaining in the fund at the end of the biennium shall not revert to the credit of the general
12 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other
13 funds are invested. Any interest and moneys earned on such investments shall be credited to
14 the fund.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (1) The amount of any federal income tax refund received for a prior year which
5 resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision
6 shall not include any amount of a federal income tax refund attributable to a tax credit
7 reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted
8 by the 116th United States Congress, for the tax year beginning on or after January 1, 2020,
9 and ending on or before December 31, 2020, and deducted from Missouri adjusted gross
10 income pursuant to section 143.171. The amount added under this subdivision shall also not
11 include any amount of a federal income tax refund attributable to a tax credit reducing a
12 taxpayer's federal tax liability under any other federal law that provides direct economic
13 impact payments to taxpayers to mitigate financial challenges related to the COVID-19
14 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

15 (2) Interest on certain governmental obligations excluded from federal gross income
16 by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence
17 shall not apply to interest on obligations of the state of Missouri or any of its political
18 subdivisions or authorities and shall not apply to the interest described in subdivision (1) of
19 subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced
20 by the amounts applicable to such interest that would have been deductible in computing the
21 taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the
22 Internal Revenue Code, as amended. The reduction shall only be made if it is at least five
23 hundred dollars;

24 (3) The amount of any deduction that is included in the computation of federal
25 taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended
26 by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted
27 relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the
28 extent the amount deducted exceeds the amount that would have been deductible pursuant to
29 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

30 (4) The amount of any deduction that is included in the computation of federal
31 taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal
32 Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section
33 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as
34 amended, for a net operating loss the taxpayer claims in the tax year in which the net
35 operating loss occurred or carries forward for a period of more than twenty years and carries
36 backward for more than two years. Any amount of net operating loss taken against federal
37 taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision
38 after June 18, 2002, may be carried forward and taken against any income on the Missouri
39 income tax return for a period of not more than twenty years from the year of the initial loss;
40 and

41 (5) For nonresident individuals in all taxable years ending on or after December 31,
42 2006, the amount of any property taxes paid to another state or a political subdivision of
43 another state for which a deduction was allowed on such nonresident's federal return in the
44 taxable year unless such state, political subdivision of a state, or the District of Columbia
45 allows a subtraction from income for property taxes paid to this state for purposes of
46 calculating income for the income tax for such state, political subdivision of a state, or the
47 District of Columbia;

48 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid
49 or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section
50 163, as amended, in the current taxable year by reason of the carryforward of disallowed
51 business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this
52 subdivision, an interest expense is considered paid or accrued only in the first taxable year the
53 deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the
54 limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

55 3. There shall be subtracted from the taxpayer's federal adjusted gross income the
56 following amounts to the extent included in federal adjusted gross income:

57 (1) Interest received on deposits held at a federal reserve bank or interest or dividends
58 on obligations of the United States and its territories and possessions or of any authority,
59 commission or instrumentality of the United States to the extent exempt from Missouri
60 income taxes pursuant to the laws of the United States. The amount subtracted pursuant to
61 this subdivision shall be reduced by any interest on indebtedness incurred to carry the
62 described obligations or securities and by any expenses incurred in the production of interest
63 or dividend income described in this subdivision. The reduction in the previous sentence
64 shall only apply to the extent that such expenses including amortizable bond premiums are
65 deducted in determining the taxpayer's federal adjusted gross income or included in the
66 taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses
67 total at least five hundred dollars;

68 (2) The portion of any gain, from the sale or other disposition of property having a
69 higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal
70 income tax purposes on December 31, 1972, that does not exceed such difference in basis. If
71 a gain is considered a long-term capital gain for federal income tax purposes, the modification
72 shall be limited to one-half of such portion of the gain;

73 (3) The amount necessary to prevent the taxation pursuant to this chapter of any
74 annuity or other amount of income or gain which was properly included in income or gain and
75 was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the
76 taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive

77 the income or gain, or to a trust or estate from which the taxpayer received the income or
78 gain;

79 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
80 extent that the same are included in federal adjusted gross income;

81 (5) The amount of any state income tax refund for a prior year which was included in
82 the federal adjusted gross income;

83 (6) The portion of capital gain specified in section 135.357 that would otherwise be
84 included in federal adjusted gross income;

85 (7) The amount that would have been deducted in the computation of federal taxable
86 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on
87 January 1, 2002, to the extent that amount relates to property purchased on or after July 1,
88 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually
89 deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the
90 Job Creation and Worker Assistance Act of 2002;

91 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
92 received for military service while the taxpayer serves in a combat zone which is included in
93 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,
94 "combat zone" means any area which the President of the United States by Executive Order
95 designates as an area in which Armed Forces of the United States are or have engaged in
96 combat. Service is performed in a combat zone only if performed on or after the date
97 designated by the President by Executive Order as the date of the commencing of combat
98 activities in such zone, and on or before the date designated by the President by Executive
99 Order as the date of the termination of combatant activities in such zone;

100 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property
101 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an
102 additional modification was made under subdivision (3) of subsection 2 of this section, the
103 amount by which additional modification made under subdivision (3) of subsection 2 of this
104 section on qualified property has not been recovered through the additional subtractions
105 provided in subdivision (7) of this subsection;

106 (10) For all tax years beginning on or after January 1, 2014, the amount of any
107 income received as payment from any program which provides compensation to agricultural
108 producers who have suffered a loss as the result of a disaster or emergency, including the:

109 (a) Livestock Forage Disaster Program;

110 (b) Livestock Indemnity Program;

111 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;

112 (d) Emergency Conservation Program;

113 (e) Noninsured Crop Disaster Assistance Program;

114 (f) Pasture, Rangeland, Forage Pilot Insurance Program;

115 (g) Annual Forage Pilot Program;

116 (h) Livestock Risk Protection Insurance Plan;

117 (i) Livestock Gross Margin Insurance Plan;

118 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid
119 or accrued in the current taxable year, but not deducted as a result of the limitation imposed
120 under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest
121 expense is considered paid or accrued only in the first taxable year the deduction would have
122 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C.
123 Section 163(j), as amended, did not exist; ~~and~~

124 (12) One hundred percent of any retirement benefits received by any taxpayer as a
125 result of the taxpayer's service in the Armed Forces of the United States, including reserve
126 components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and
127 109, and any other military force organized under the laws of this state; **and**

128 **(13) For taxpayers authorized to conduct business under Article XIV of the**
129 **Constitution of Missouri or sections 196.3000 to 196.3048, the amount that would have**
130 **been deducted from the computation of the taxpayer's federal taxable income if such a**
131 **deduction were not disallowed under 26 U.S.C. Section 280E, as in effect on January 1,**
132 **2022, because of the status of marijuana as a controlled substance under federal law.**

133 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
134 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

135 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
136 income the modifications provided in section 143.411.

137 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
138 section, to calculate Missouri adjusted gross income there shall be subtracted from the
139 taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section
140 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or
141 involuntary conversion of property as a result of condemnation or the imminence thereof.

142 7. (1) As used in this subsection, "qualified health insurance premium" means the
143 amount paid during the tax year by such taxpayer for any insurance policy primarily
144 providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's
145 dependents.

146 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
147 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
148 federal adjusted gross income to the extent the amount paid for such premiums is included in
149 federal taxable income. The taxpayer shall provide the department of revenue with proof of
150 the amount of qualified health insurance premiums paid.

151 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this
152 section, one hundred percent of the cost incurred by a taxpayer for a home energy audit
153 conducted by an entity certified by the department of natural resources under section 640.153
154 or the implementation of any energy efficiency recommendations made in such an audit shall
155 be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid
156 for any such activity is included in federal taxable income. The taxpayer shall provide the
157 department of revenue with a summary of any recommendations made in a qualified home
158 energy audit, the name and certification number of the qualified home energy auditor who
159 conducted the audit, and proof of the amount paid for any activities under this subsection for
160 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any
161 recommendations made in a qualified home energy audit to the department of natural
162 resources.

163 (2) At no time shall a deduction claimed under this subsection by an individual
164 taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for
165 individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers
166 filing combined returns.

167 (3) Any deduction claimed under this subsection shall be claimed for the tax year in
168 which the qualified home energy audit was conducted or in which the implementation of the
169 energy efficiency recommendations occurred. If implementation of the energy efficiency
170 recommendations occurred during more than one year, the deduction may be claimed in more
171 than one year, subject to the limitations provided under subdivision (2) of this subsection.

172 (4) A deduction shall not be claimed for any otherwise eligible activity under this
173 subsection if such activity qualified for and received any rebate or other incentive through a
174 state-sponsored energy program or through an electric corporation, gas corporation, electric
175 cooperative, or municipally owned utility.

176 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

**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
3 federal government employee, or any unauthorized third party the statewide list or any
4 individual information of persons who have applied for or obtained a qualifying patient
5 identification card, a qualifying patient cultivation identification card, or a primary
6 caregiver identification card, as those cards are described in Article XIV, Section 1 of
7 the Constitution of Missouri relating to the right to access medical marijuana.**

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

**195.006. Notwithstanding any provision under this chapter or any other
2 provision of law, beginning August 28, 2022, marijuana shall no longer be listed among**

3 **Missouri's drug schedules and shall no longer be considered a controlled substance or a**
4 **drug.**

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
9 salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of
10 these isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl (N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-
12 phenylacetamide);

13 (b) Acetylmethadol;

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

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

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

17 (f) Allylprodine;

18 (g) Alphacetylmethadol (except levoalphacetylmethadol, also known as levo-alpha-
19 acetylmethadol levothadyl acetate or LAAM);

20 (h) Alphameprodine;

21 (i) Alphamethadol;

22 (j) Alpha-methylfentanyl (N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl)
23 propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine);

24 (k) Alpha-methylthiofentanyl (N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-
25 phenylpropanamide);

26 (l) Benzethidine;

27 (m) Betacetylmethadol;

28 (n) Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-
29 phenylpropanamide);

30 (o) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-
31 piperidinyl)-N-phenylpropanamide);

32 (p) Betameprodine;

33 (q) Betamethadol;

34 (r) Betaprodine;

35 (s) Clonitazene;

- 36 (t) Dextromoramide;
- 37 (u) Diampromide;
- 38 (v) Cyclopropyl fentanyl;
- 39 (w) Diethylthiambutene;
- 40 (x) Difenoxin;
- 41 (y) Dimenoxadol;
- 42 (z) Dimepheptanol;
- 43 (aa) Dimethylthiambutene;
- 44 (bb) Dioxaphetyl butyrate;
- 45 (cc) Dipipanone;
- 46 (dd) Ethylmethylthiambutene;
- 47 (ee) Etonitazene;
- 48 (ff) Etoperidine;
- 49 (gg) 4-fluoroisobutyryl fentanyl -(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)
- 50 isobutyramide;
- 51 (hh) Furanyl fentanyl -(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 52 (ii) Furethidine;
- 53 (jj) Hydroxypethidine;
- 54 (kk) Ketobemidone;
- 55 (ll) Levomoramide;
- 56 (mm) Levophenacetylmorphan;
- 57 (nn) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
- 58 phenylpropanamide), its optical and geometric isomers, salts, and salts of isomers;
- 59 (oo) 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-
- 60 phenylpropanamide);
- 61 (pp) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-
- 62 phenylacetamide);
- 63 (qq) Morpheridine;
- 64 (rr) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 65 (ss) MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
- 66 (tt) Noracymethadol;
- 67 (uu) Norlevorphanol;
- 68 (vv) Normethadone;
- 69 (ww) Norpipanone;
- 70 (xx) Ocfentanil N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
- 71 acetamide;

- 72 (yy) Ortho-fluorofentanyl (N-2-(1-phenethylpiperidin-yl)propionamide); other name
73 2-fluorofentanyl;
- 74 (zz) para-fluorobutyryl fentanyl (N-4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)
75 butyramide;
- 76 (aaa) Para-fluorofentanyl (N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)
77 propanamide);
- 78 (bbb) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 79 (ccc) Phenadoxone;
- 80 (ddd) Phenampromide;
- 81 (eee) Phenomorphan;
- 82 (fff) Phenoperidine;
- 83 (ggg) Piritramide;
- 84 (hhh) Proheptazine;
- 85 (iii) Properidine;
- 86 (jjj) Propiram;
- 87 (kkk) Racemoramide;
- 88 (lll) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
89 phenyltetrahydrofuran-2-carboxamide);
- 90 (mmm) Thiofentanyl (-phenyl-N-(1-(2-thienyl)ethyl-4-piperidinyl)-propanamide);
- 91 (nnn) Tilidine;
- 92 (ooo) Trimeperidine;
- 93 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
94 unless specifically excepted, whenever the existence of these salts, isomers and salts of
95 isomers is possible within the specific chemical designation:
- 96 (a) Acetorphine;
- 97 (b) Acetyldihydrocodeine;
- 98 (c) Benzylmorphine;
- 99 (d) Codeine methylbromide;
- 100 (e) Codeine-N-Oxide;
- 101 (f) Cyprenorphine;
- 102 (g) Desomorphine;
- 103 (h) Dihydromorphine;
- 104 (i) Drotebanol;
- 105 (j) Etorphine (except hydrochloride salt);
- 106 (k) Heroin;
- 107 (l) Hydromorphanol;
- 108 (m) Methyldesorphine;

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

- 146 (r) 4-methyl-2, 5-dimethoxyamphetamine;
- 147 (s) 3,4-methylenedioxyamphetamine;
- 148 (t) 3,4-methylenedioxymethamphetamine;
- 149 (u) 3,4-methylenedioxy-N-ethylamphetamine;
- 150 (v) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 151 (w) 3,4,5-trimethoxyamphetamine;
- 152 (x) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine;
- 153 (y) Alpha-methyltryptamine;
- 154 (z) Bufotenine;
- 155 (aa) Diethyltryptamine;
- 156 (bb) Dimethyltryptamine;
- 157 (cc) 5-methoxy-N,N-diisopropyltryptamine;
- 158 (dd) Ibogaine;
- 159 (ee) Lysergic acid diethylamide;
- 160 (ff) ~~[Marijuana or marihuana, except industrial hemp;~~
- 161 ~~(gg)]~~ Mescaline;
- 162 ~~[(hh) Parahexyl];~~
- 163 ~~(ii)]~~ **(gg)** Peyote, to include all parts of the plant presently classified botanically as
- 164 *Lophophora williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from
- 165 any part of such plant; and every compound, manufacture, salt, derivative, mixture or
- 166 preparation of the plant, its seed or extracts;
- 167 ~~[(jj)]~~ **(hh)** N-ethyl-3-piperidyl benzilate;
- 168 ~~[(kk)]~~ **(ii)** N-methyl-3-piperidyl benzilate;
- 169 ~~[(ll)]~~ **(jj)** Psilocybin;
- 170 ~~[(mm)]~~ **(kk)** Psilocyn;
- 171 ~~[(nn) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis~~
- 172 ~~(cannabis plant), except industrial hemp, as well as synthetic equivalents of the substances~~
- 173 ~~contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic~~
- 174 ~~substances, derivatives and their isomers, or both, with similar chemical structure and~~
- 175 ~~pharmacological activity to those substances contained in the plant, such as the following:~~
- 176 a. ~~1 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 177 b. ~~6 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 178 c. ~~3,4 cis or trans tetrahydrocannabinol and their optical isomers;~~
- 179 d. ~~Any compounds of these structures, regardless of numerical designation of atomic~~
- 180 ~~positions covered;~~
- 181 ~~(oo)]~~ **(ll)** Ethylamine analog of phencyclidine;
- 182 ~~[(pp)]~~ **(mm)** Pyrrolidine analog of phencyclidine;

- 183 ~~[(qq)]~~ **(nn)** Thiophene analog of phencyclidine;
184 ~~[(rr)]~~ **(oo)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
185 ~~[(ss)]~~ **(pp)** Salvia divinorum;
186 ~~[(tt)]~~ **(qq)** Salvinorin A;
187 ~~[(uu)]~~ **(rr)** Synthetic cannabinoids:
188 a. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-
189 (1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl,
190 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-
191 (4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent,
192 whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:
193 (i) AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;
194 (ii) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
195 (iii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
196 (iv) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
197 (v) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
198 (vi) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
199 (vii) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
200 (viii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
201 (ix) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
202 (x) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
203 (xi) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
204 (xii) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
205 (xiii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
206 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at
207 the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
208 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether
209 or not further substituted in the pyrrole ring to any extent, whether or not substituted in the
210 naphthyl ring to any extent;
211 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by
212 substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
213 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)
214 ethyl group, whether or not further substituted in the indene ring to any extent, whether or not
215 substituted in the naphthyl ring to any extent;
216 d. Any compound structurally derived from 3-phenylacetylindole by substitution at
217 the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
218 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether

219 or not further substituted in the indole ring to any extent, whether or not substituted in the
220 phenyl ring to any extent. Including, but not limited to:

- 221 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 222 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 223 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 224 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 225 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

226 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
227 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
228 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)
229 ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but
230 not limited to CP 47, 497 and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-
231 methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or
232 7;

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

- 238 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 239 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (SR-19 and RCS-4);
- 240 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-
241 2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 242 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
243 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 244 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
245 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 246 j. Dimethylheptylpyran, or DMHP;

247 (6) Any material, compound, mixture or preparation containing any quantity of the
248 following substances having a depressant effect on the central nervous system, including their
249 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
250 isomers is possible within the specific chemical designation:

- 251 (a) Gamma-hydroxybutyric acid;
- 252 (b) Mecloqualone;
- 253 (c) Methaqualone;

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

- 257 (a) Aminorex;
258 (b) N-benzylpiperazine;
259 (c) Cathinone;
260 (d) Fenethylamine;
261 (e) 3-Fluoromethcathinone;
262 (f) 4-Fluoromethcathinone;
263 (g) Mephedrone, or 4-methylmethcathinone;
264 (h) Methcathinone;
265 (i) 4-methoxymethcathinone;
266 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
267 oxazolamine);
268 (k) Methylenedioxypropylamphetamine, MDPV, or 1-(1,3-Benzodioxol-5-yl)-2-(1-
269 pyrrolidinyl)-1-pentanone;
270 (l) Methylenedioxypropylamphetamine;
271 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
272 (n) N-ethylamphetamine;
273 (o) N,N-dimethylamphetamine;
274 (p) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);
275 (q) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-
276 PB-22);
277 (r) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
278 carboxamide (AB-FUBINACA);
279 (s) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide
280 (ADB-PINACA);

281 (8) A temporary listing of substances subject to emergency scheduling under federal
282 law shall include any material, compound, mixture or preparation which contains any
283 quantity of the following substances:

- 284 (a) (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, its optical,
285 positional, and geometric isomers, salts, and salts of isomers;
286 (b) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone,
287 its optical, positional, and geometric isomers, salts, and salts of isomers;
288 (c) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide, its optical, positional, and
289 geometric isomers, salts, and salts of isomers;

- 290 (d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
291 positional, and geometric isomers, salts, and salts of isomers;
- 292 (e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
293 positional, and geometric isomers, salts, and salts of isomers;
- 294 (f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,
295 positional, and geometric isomers, salts, and salts of isomers;
- 296 (g) 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts,
297 and salts of isomers;
- 298 (h) 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric
299 isomers, salts, and salts of isomers;
- 300 (i) Alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers,
301 salts, and salts of isomers;
- 302 (j) Butylone, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 303 (k) Pentedrone, its optical, positional, and geometric isomers, salts, and salts of
304 isomers;
- 305 (l) Pentylone, its optical, positional, and geometric isomers, salts, and salts of
306 isomers;
- 307 (m) Naphyrone, its optical, positional, and geometric isomers, salts, and salts of
308 isomers;
- 309 (n) Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers,
310 salts, and salts of isomers;
- 311 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-
312 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 313 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide, its
314 optical, positional, and geometric isomers, salts, and salts of isomers;
- 315 (q) [1-(5-fluoropentyl)-1H-indazole-3-yl](naphthalen-1-yl)methanone, its optical,
316 positional, and geometric isomers, salts, and salts of isomers;
- 317 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide,
318 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 319 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and
320 geometric isomers, salts, and salts of isomers;
- 321 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-
322 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 323 (u) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-
324 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 325 (v) methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate, its
326 optical, positional, and geometric isomers, salts, and salts of isomers;

- 327 (w) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide, its optical,
328 positional, and geometric isomers, salts, and salts of isomers;
- 329 (x) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
330 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 331 (y) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-
332 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 333 (z) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-
334 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 335 (aa) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers,
336 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 337 (bb) methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate,
338 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 339 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers,
340 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 341 (dd) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers,
342 salts, and salts of isomers, esters, and ethers;
- 343 (ee) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers, esters,
344 ethers, salts, and salts of isomers, esters, and ethers;
- 345 (ff) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
346 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 347 (gg) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers,
348 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 349 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters,
350 ethers, salts, and salts of isomers, esters, and ethers;
- 351 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers,
352 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 353 (jj) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of
354 isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not
355 otherwise listed under another Drug Enforcement Administration Controlled Substance Code
356 Number, and for which no exemption or approval is in effect under section 505 of the Federal
357 Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that is structurally related to fentanyl
358 by one or more of the following modifications:
- 359 a. Replacement of the phenyl portion of the phenethyl group by any monocycle,
360 whether or not further substituted in or on the monocycle;
- 361 b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl,
362 halo, haloalkyl, amino or nitro groups;

- 363 c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
364 hydroxyl, amino or nitro groups;
- 365 d. Replacement of the aniline ring with any aromatic monocycle, whether or not
366 further substituted in or on the aromatic monocycle; or
- 367 e. Replacement of the N-propionyl group by another acyl group;
- 368 (kk) Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate, its optical,
369 positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);
- 370 (ll) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
371 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
372 AB-PINACA);
- 373 (mm) 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its
374 optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-
375 BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-
376 BINACA; SGT-78);
- 377 (nn) methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate,
378 its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA,
379 AMB-CHMICA);
- 380 (oo) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-
381 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
382 CUMYL-P7AICA);
- 383 (pp) N-ethylpentylone, its optical, positional, and geometric isomers, salts, and salts
384 of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one);
- 385 (qq) ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate,
386 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-
387 EDMB-PINACA);
- 388 (rr) methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate,
389 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: 5F-
390 MDMB-PICA);
- 391 (ss) N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide, its optical,
392 positional, and geometric isomers, salts, and salts of isomers (trivial names: FUB-AKB48;
393 FUB-APINACA; AKB48 N-(4-FLUOROBENZYL));
- 394 (tt) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide, its
395 optical, positional, and geometric isomers, salts, and salts of isomers (trivial names: 5F-
396 CUMYL-PINACA; SGT-25);
- 397 (uu) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone,
398 its optical, positional, and geometric isomers, salts, and salts of isomers (trivial name: FUB-
399 144);

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

402 (ww) alpha-pyrrolidinohexanophenone, its optical, positional, and geometric isomers,
403 salts, and salts of isomers (Other names: a-PHP; alpha-pyrrolidinohexiophenone; 1-phenyl-2-
404 (pyrrolidin-1-yl)hexan-1-one);

405 (xx) 4-methyl-alpha-ethylaminopentiophenone, its optical, positional, and geometric
406 isomers, salts, and salts of isomers; (Other names: 4-MEAP; 2-(ethylamino)-1-(4-
407 methylphenyl)pentan-1-one);

408 (yy) 4'-methyl-alpha-pyrrolidinohexiophenone, its optical, positional, and geometric
409 isomers, salts, and salts of isomers (Other names: MPHP; 4'-methyl-alpha-
410 pyrrolidinohexanophenone; 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one);

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

413 (aaa) 4'-chloro-alpha-pyrrolidinovalerophenone, its optical, positional, and geometric
414 isomers, salts, and salts of isomers (Other names: 4-chloro-a-PVP; 4'-chloro-alpha-
415 pyrrolidinopentiophenone; 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one);

416 (9) Khat, to include all parts of the plant presently classified botanically as catha
417 edulis, whether growing or not; the seeds thereof; any extract from any part of such plant; and
418 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or
419 extracts.

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

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

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

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

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

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

430 (a) Opium and opiate; and any salt, compound, derivative or preparation of opium or
431 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
432 nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the
433 following:

434 a. Raw opium;

435 b. Opium extracts;

436 c. Opium fluid;

- 437 d. Powdered opium;
438 e. Granulated opium;
439 f. Tincture of opium;
440 g. Codeine;
441 h. Dihydroetorphine;
442 i. Ethylmorphine;
443 j. Etorphine hydrochloride;
444 k. Hydrocodone;
445 l. Hydromorphone;
446 m. Metopon;
447 n. Morphine;
448 o. Oripavine;
449 p. Oxycodone;
450 q. Oxymorphone;
451 r. Thebaine;
- 452 (b) Any salt, compound, derivative, or preparation thereof which is chemically
453 equivalent or identical with any of the substances referred to in this subdivision, but not
454 including the isoquinoline alkaloids of opium;
- 455 (c) Opium poppy and poppy straw;
- 456 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
457 any salt, compound, derivative, or preparation thereof which is chemically equivalent or
458 identical with any of these substances, but not including the following:
- 459 a. Decocainized coca leaves or extractions of coca leaves, which extractions do not
460 contain cocaine or ecgonine; or
461 b. Ioflupane;
- 462 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid,
463 solid or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 464 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
465 salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible
466 within the specific chemical designation, dextrophan and levopropoxyphene excepted:
- 467 (a) Alfentanil;
468 (b) Alphaprodine;
469 (c) Anileridine;
470 (d) Bezitramide;
471 (e) Bulk dextropropoxyphene;
472 (f) Carfentanil;
473 (g) Dihydrocodeine;

- 474 (h) Diphenoxylate;
- 475 (i) Fentanyl;
- 476 (j) Isomethadone;
- 477 (k) Levo-alphaacetylmethadol;
- 478 (l) Levomethorphan;
- 479 (m) Levorphanol;
- 480 (n) Metazocine;
- 481 (o) Methadone;
- 482 (p) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 483 (q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-
- 484 carboxylic acid;
- 485 (r) Pethidine (meperidine);
- 486 (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 487 (t) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 488 (u) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 489 (v) Phenazocine;
- 490 (w) Piminodine;
- 491 (x) Racemethorphan;
- 492 (y) Racemorphan;
- 493 (z) Remifentanil;
- 494 (aa) Sufentanil;
- 495 (bb) Tapentadol;
- 496 (cc) Thiafentanil;
- 497 (3) Any material, compound, mixture, or preparation which contains any quantity of
- 498 the following substances having a stimulant effect on the central nervous system:
- 499 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 500 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 501 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 502 (d) Phenmetrazine and its salts;
- 503 (e) Methylphenidate;
- 504 (4) Any material, compound, mixture, or preparation which contains any quantity of
- 505 the following substances having a depressant effect on the central nervous system, including
- 506 its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts
- 507 of isomers is possible within the specific chemical designation:
- 508 (a) Amobarbital;
- 509 (b) Glutethimide;
- 510 (c) Pentobarbital;

- 511 (d) Phencyclidine;
- 512 (e) Secobarbital;
- 513 (5) Hallucinogenic substances:
- 514 (a) Any material or compound which contains any quantity of nabilone;
- 515 (b) Dronabinol [(-)- Δ^9 -trans tetrahydrocannabinol] in an oral solution in a drug
- 516 product approved for marketing by the U.S. Food and Drug Administration;
- 517 (6) Any material, compound, mixture, or preparation which contains any quantity of
- 518 the following substances:
- 519 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 520 (b) Immediate precursors to phencyclidine (PCP):
- 521 a. 1-phenylcyclohexylamine;
- 522 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 523 (c) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);
- 524 (7) Any material, compound, mixture, or preparation which contains any quantity of
- 525 the following alkyl nitrites:
- 526 (a) Amyl nitrite;
- 527 (b) Butyl nitrite.
- 528 5. The department of health and senior services shall place a substance in Schedule III
- 529 if it finds that:
- 530 (1) The substance has a potential for abuse less than the substances listed in
- 531 Schedules I and II;
- 532 (2) The substance has currently accepted medical use in treatment in the United
- 533 States; and
- 534 (3) Abuse of the substance may lead to moderate or low physical dependence or high
- 535 psychological dependence.
- 536 6. The controlled substances listed in this subsection are included in Schedule III:
- 537 (1) Any material, compound, mixture, or preparation which contains any quantity of
- 538 the following substances having a potential for abuse associated with a stimulant effect on the
- 539 central nervous system:
- 540 (a) Benzphetamine;
- 541 (b) Chlorphentermine;
- 542 (c) Clortermine;
- 543 (d) Phendimetrazine;
- 544 (2) Any material, compound, mixture or preparation which contains any quantity or
- 545 salt of the following substances or salts having a depressant effect on the central nervous
- 546 system:

- 547 (a) Any material, compound, mixture or preparation which contains any quantity or
548 salt of the following substances combined with one or more active medicinal ingredients:
- 549 a. Amobarbital;
 - 550 b. Secobarbital;
 - 551 c. Pentobarbital;
- 552 (b) Any suppository dosage form containing any quantity or salt of the following:
- 553 a. Amobarbital;
 - 554 b. Secobarbital;
 - 555 c. Pentobarbital;
- 556 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
557 salt;
- 558 (d) Chlorhexadol;
 - 559 (e) Embutramide;
 - 560 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained
561 in a drug product for which an application has been approved under Section 505 of the federal
562 Food, Drug, and Cosmetic Act;
 - 563 (g) Ketamine, its salts, isomers, and salts of isomers;
 - 564 (h) Lysergic acid;
 - 565 (i) Lysergic acid amide;
 - 566 (j) Methyprylon;
 - 567 (k) Perampanel, and its salts, isomers, and salts of isomers;
 - 568 (l) Sulfondiethylmethane;
 - 569 (m) Sulfonethylmethane;
 - 570 (n) Sulfonmethane;
 - 571 (o) Tiletamine and zolazepam or any salt thereof;
- 572 (3) Nalorphine;
- 573 (4) Any material, compound, mixture, or preparation containing limited quantities of
574 any of the following narcotic drugs or their salts:
- 575 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
576 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline
577 alkaloid of opium;
 - 578 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
579 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in
580 recognized therapeutic amounts;
 - 581 (c) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not
582 more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients
583 in recognized therapeutic amounts;

584 (d) Not more than three hundred milligrams of ethylmorphine per one hundred
585 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
586 nonnarcotic ingredients in recognized therapeutic amounts;

587 (e) Not more than five hundred milligrams of opium per one hundred milliliters or per
588 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
589 active nonnarcotic ingredients in recognized therapeutic amounts;

590 (f) Not more than fifty milligrams of morphine per one hundred milliliters or per one
591 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
592 amounts;

593 (5) Any material, compound, mixture, or preparation containing any of the following
594 narcotic drugs or their salts: Buprenorphine;

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

- 605 (a) 3 β ,17 β -dihydroxy-5 α -androstane;
- 606 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 607 (c) 5 α -androstan-3,17-dione;
- 608 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 609 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 610 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 611 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 612 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 613 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 614 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 615 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 616 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 617 (m) Boldione;
- 618 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 619 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

- 620 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17a-methyl-androst-
621 1,4-dien-3-one);
- 622 (q) Desoxymethyltestosterone;
- 623 (r) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 624 (s) Drostanolone (17 β -hydroxy-2a-methyl-5a-androstan-3-one);
- 625 (t) Ethylestrenol (17a-ethyl-17 β -hydroxyestr-4-ene);
- 626 (u) Fluoxymesterone (9-fluoro-17a-methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 627 (v) Formebolone (2-formyl-17a-methyl-11a,17 β -dihydroxyandrost-1,4-dien-3-one);
- 628 (w) Furazabol (17a-methyl-17 β -hydroxyandrostan[2,3-c]-furan);
- 629 (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 630 (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 631 (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 632 (aa) Mestanolone (17a-methyl-17 β -hydroxy-5a-androstan-3-one);
- 633 (bb) Mesterolone (1a-methyl-17 β -hydroxy-[5a]-androstan-3-one);
- 634 (cc) Methandienone (17a-methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 635 (dd) Methandriol (17a-methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 636 (ee) Methasterone (2a,17a-dimethyl-5a-androstan-17 β -ol-3-one);
- 637 (ff) Methenolone (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
- 638 (gg) 17a-methyl-3 β ,17 β -dihydroxy-5a-androstane;
- 639 (hh) 17a-methyl-3a,17 β -dihydroxy-5a-androstane;
- 640 (ii) 17a-methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 641 (jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-17 β -hydroxyestr-4-en-
642 3-one);
- 643 (kk) Methyldienolone (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 644 (ll) Methyltrienolone (17a-methyl-17 β -hydroxyestra-4,9,11-trien-3-one);
- 645 (mm) Methyltestosterone (17a-methyl-17 β -hydroxyandrost-4-en-3-one);
- 646 (nn) Mibolerone (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
- 647 (oo) 17a-methyl-?1-dihydrotestosterone (17 β -hydroxy-17a-methyl-5a-androst-1-en-
648 3-one) (a.k.a. '17-a-methyl-1-testosterone');
- 649 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 650 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 651 (rr) 19-nor-4-androstenediol (3a,17 β -dihydroxyestr-4-ene);
- 652 (ss) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 653 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 654 (uu) 19-nor-5-androstenediol (3a,17 β -dihydroxyestr-5-ene);
- 655 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 656 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

- 657 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
658 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
659 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
660 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
661 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
662 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
663 (ddd) metholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
664 one);
665 (eee) Prostanazol (17 β -hydroxy-5 α -androstan[3,2-c]pyrazole);
666 (fff) Stanolone (?1-dihydrotestosterone (a.k.a. 1-testosterone)(17 β -hydroxy-5 α -
667 androst-1-en-3-one));
668 (ggg) Stanazolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
669 (hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
670 (iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
671 lactone);
672 (jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);
673 (kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
674 (lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
675 (mmm) Any salt, ester, or ether of a drug or substance described or listed in this
676 subdivision, except an anabolic steroid which is expressly intended for administration through
677 implants to cattle or other nonhuman species and which has been approved by the Secretary
678 of Health and Human Services for that administration;
679 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
680 United States Food and Drug Administration approved drug product;
681 (8) The department of health and senior services may except by rule any compound,
682 mixture, or preparation containing any stimulant or depressant substance listed in
683 subdivisions (1) and (2) of this subsection from the application of all or any part of
684 sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
685 active medicinal ingredients not having a stimulant or depressant effect on the central nervous
686 system, and if the admixtures are included therein in combinations, quantity, proportion, or
687 concentration that vitiate the potential for abuse of the substances which have a stimulant or
688 depressant effect on the central nervous system.
689 7. The department of health and senior services shall place a substance in Schedule
690 IV if it finds that:
691 (1) The substance has a low potential for abuse relative to substances in Schedule III;
692 (2) The substance has currently accepted medical use in treatment in the United
693 States; and

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

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

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

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

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

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

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

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

712 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
713 milliliters or per one hundred grams;

714 c. Not more than one hundred milligrams of ethylmorphine per one hundred
715 milliliters or per one hundred grams;

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

720 (a) Alfaxalone;

721 (b) Alprazolam;

722 (c) Barbitol;

723 (d) Bromazepam;

724 (e) Camazepam;

725 (f) Carisoprodol;

726 (g) Chloral betaine;

727 (h) Chloral hydrate;

728 (i) Chlordiazepoxide;

729 (j) Clobazam;

730 (k) Clonazepam;

- 731 (l) Clorazepate;
- 732 (m) Clotiazepam;
- 733 (n) Cloxazolam;
- 734 (o) Delorazepam;
- 735 (p) Diazepam;
- 736 (q) Dichloralphenazone;
- 737 (r) Estazolam;
- 738 (s) Ethchlorvynol;
- 739 (t) Ethinamate;
- 740 (u) Ethyl loflazepate;
- 741 (v) Fludiazepam;
- 742 (w) Flunitrazepam;
- 743 (x) Flurazepam;
- 744 (y) Fospropofol;
- 745 (z) Halazepam;
- 746 (aa) Haloxazolam;
- 747 (bb) Ketazolam;
- 748 (cc) Loprazolam;
- 749 (dd) Lorazepam;
- 750 (ee) Lormetazepam;
- 751 (ff) Mebutamate;
- 752 (gg) Medazepam;
- 753 (hh) Meprobamate;
- 754 (ii) Methohexital;
- 755 (jj) Methylphenobarbital (mephobarbital);
- 756 (kk) Midazolam;
- 757 (ll) Nimetazepam;
- 758 (mm) Nitrazepam;
- 759 (nn) Nordiazepam;
- 760 (oo) Oxazepam;
- 761 (pp) Oxazolam;
- 762 (qq) Paraldehyde;
- 763 (rr) Petrichloral;
- 764 (ss) Phenobarbital;
- 765 (tt) Pinazepam;
- 766 (uu) Prazepam;
- 767 (vv) Quazepam;

- 768 (ww) Suvorexant;
- 769 (xx) Temazepam;
- 770 (yy) Tetrazepam;
- 771 (zz) Triazolam;
- 772 (aaa) Zaleplon;
- 773 (bbb) Zolpidem;
- 774 (ccc) Zopiclone;
- 775 (3) Any material, compound, mixture, or preparation which contains any quantity of
- 776 the following substance including its salts, isomers and salts of isomers whenever the
- 777 existence of such salts, isomers and salts of isomers is possible: fenfluramine;
- 778 (4) Any material, compound, mixture, or preparation which contains any quantity of
- 779 the following substances, including its salts, isomers, and salts of isomers, whenever the
- 780 existence of such salts, isomers, and salts of isomers is possible: Lorcaserin;
- 781 (5) Any material, compound, mixture or preparation containing any quantity of the
- 782 following substances having a stimulant effect on the central nervous system, including their
- 783 salts, isomers and salts of isomers:
- 784 (a) Cathine ((+)-norpseudoephedrine);
- 785 (b) Diethylpropion;
- 786 (c) Fencamfamin;
- 787 (d) Fenproporex;
- 788 (e) Mazindol;
- 789 (f) Mefenorex;
- 790 (g) Modafinil;
- 791 (h) Pemoline, including organometallic complexes and chelates thereof;
- 792 (i) Phentermine;
- 793 (j) Pipradrol;
- 794 (k) Sibutramine;
- 795 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 796 (6) Any material, compound, mixture or preparation containing any quantity of the
- 797 following substance, including its salts:
- 798 (a) Butorphanol (including its optical isomers);
- 799 (b) Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-
- 800 oxopropyl][(1S)-1-(4-phenyl-1 H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic
- 801 acid) (including its optical isomers) and its salts, isomers, and salts of isomers;
- 802 (c) Pentazocine;
- 803 (7) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
- 804 substance is the only active medicinal ingredient;

805 (8) The department of health and senior services may except by rule any compound,
806 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
807 subsection from the application of all or any part of sections 195.010 to 195.320 and sections
808 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active
809 medicinal ingredients not having a depressant effect on the central nervous system, and if the
810 admixtures are included therein in combinations, quantity, proportion, or concentration that
811 vitiate the potential for abuse of the substances which have a depressant effect on the central
812 nervous system.

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

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

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

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

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

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

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

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

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

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

836 (3) Any compound, mixture, or preparation containing any detectable quantity of
837 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
838 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
839 isomers, or salts of optical isomers;

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

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

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

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

848 (d) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];

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

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

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

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

865 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
866 any person, prior to such person's purchasing, receiving or otherwise acquiring such
867 compound, mixture, or preparation to furnish suitable photo identification that is issued by a
868 state or the federal government or a document that, with respect to identification, is
869 considered acceptable and showing the date of birth of the person;

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

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

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

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

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

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

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

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

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

888 16. The penalties for a knowing or reckless violation of the provisions of subsections
889 11 to 15 of this section are found in section 579.060.

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

896 18. The manufacturer of a drug product or another interested party may apply with
897 the department of health and senior services for an exemption from this section. The
898 department of health and senior services may grant an exemption by rule from this section if
899 the department finds the drug product is not used in the illegal manufacture of
900 methamphetamine or other controlled or dangerous substances. The department of health
901 and senior services shall rely on reports from law enforcement and law enforcement
902 evidentiary laboratories in determining if the proposed product can be used to manufacture
903 illicit controlled substances.

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

906 20. The department of health and senior services shall promulgate rules under chapter
907 536 regarding the security and storage of Schedule V controlled substances, as described in
908 subdivision (3) of subsection 10 of this section, for distributors as registered by the
909 department of health and senior services.

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

195.815. 1. The department of health and senior services shall require all officers, managers, contractors, employees, and other support staff of licensed or certified medical marijuana facilities, and all owners of such medical marijuana facilities who will have access to the facilities or to the facilities' medical marijuana, **or the cannabis enforcement authority shall require all officers, managers, contractors, employees, and other support staff of marijuana businesses, and all owners of such marijuana businesses,** to submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check.

2. The department **or authority** may require that such fingerprint submissions be made as part of a medical marijuana facility **or marijuana business** application [~~for licensure or certification~~], a medical marijuana facility **or marijuana business renewal** application [~~for renewal of licensure or certification~~], and an individual's application for **licensure under sections 196.3000 to 196.3048 or licensure and issuance of** an identification card authorizing that individual to be an owner, officer, manager, contractor, employee, or other support staff of a medical marijuana facility **or marijuana business**.

3. Fingerprint cards and any required fees shall be sent to the Missouri state highway patrol's central repository. The fingerprints shall be used for searching the state criminal records repository and shall also be forwarded to the Federal Bureau of Investigation for a federal criminal records search under section 43.540. The Missouri state highway patrol shall notify the department of any criminal history record information or lack of criminal history record information discovered on the individual. Notwithstanding the provisions of section 610.120 to the contrary, all records related to any criminal history information discovered shall be accessible and available to the department.

4. As used in this section, the following words shall mean:

(1) "Employee", [~~any~~] a person performing work or service of any kind or character for hire in a medical marijuana facility;

(2) "Medical marijuana facility", an entity licensed or certified by the department of health and senior services, or its successor agency, to acquire, cultivate, process, manufacture, test, store, sell, transport, or deliver medical marijuana;

(3) "Other support staff", any person performing work or service of any kind or character, other than employees, on behalf of a medical marijuana facility if such a person would have access to the medical marijuana facility or its medical marijuana or related equipment or supplies.

196.3000. Sections 196.3000 to 196.3048 shall be known and may be cited as the "Cannabis Freedom Act".

196.3003. As used in sections 196.3000 to 196.3048, the following terms mean:

2 (1) "Authority", the cannabis enforcement authority (CEA) within the
3 department;

4 (2) "Consumer", a person twenty-one years of age or older who purchases
5 marijuana, marijuana products, or marijuana accessories for personal use but not for
6 resale to others;

7 (3) "Department", the department of health and senior services;

8 (4) "Marijuana", all parts of the plant of the genus *Cannabis*, whether growing;
9 the seeds thereof; the resin extracted from any part of the plant; and every compound,
10 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
11 including marijuana concentrate. "Marijuana" shall not include industrial hemp, nor
12 shall it include fiber produced from the stalks, oil, or cake made from the seeds of the
13 plant; sterilized seed of the plant that is incapable of germination; or the weight of any
14 other ingredient combined with marijuana to prepare topical or oral administrations,
15 food, drink, or other products;

16 (5) "Marijuana accessories", any equipment, products, or materials of any kind
17 that are used, intended for use, or designed for use in planting, propagating, cultivating,
18 growing, harvesting, composting, manufacturing, compounding, converting, producing,
19 processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing,
20 or containing marijuana or for ingesting, inhaling, or otherwise introducing marijuana
21 into the human body;

22 (6) "Marijuana business", a licensed marijuana processor, marijuana
23 commercial grower, or marijuana retailer;

24 (7) "Marijuana commercial grower" or "commercial grower", an entity licensed
25 to cultivate, prepare, and package marijuana and transfer or contract for transfer of
26 marijuana to a marijuana retailer, marijuana processor, or any other marijuana
27 commercial grower. A commercial grower may sell seeds, flower, or clones to
28 commercial growers under sections 196.3000 to 196.3048;

29 (8) "Marijuana processor", a person or entity licensed under sections 196.3000
30 to 196.3048 to operate a business, including the production, manufacture, extraction,
31 processing, packaging, or creation of marijuana products as described under sections
32 196.3000 to 196.3048;

33 (9) "Marijuana products", concentrated marijuana products and marijuana
34 products that are composed of marijuana and other ingredients and are intended for use
35 or consumption including, but not limited to, edible products, ointments, and tinctures;

36 (10) "Marijuana retailer", an entity that has been licensed by the authority
37 under sections 196.3000 to 196.3048 to purchase marijuana or marijuana products from
38 a licensed marijuana commercial grower or marijuana processor, sell marijuana or

39 marijuana products to consumers under sections 196.3000 to 196.3048, or sell or
40 transfer marijuana or marijuana products to another marijuana retailer;

41 (11) "Personal use", personal use or consumption of marijuana by a person
42 twenty-one years of age or older.

196.3006. The provisions of sections 196.3000 to 196.3048 shall not:

2 (1) Restrict the rights of employers to maintain a drug-and alcohol-free
3 workplace or affect the ability of employers to enact workplace policies restricting the
4 use of marijuana or marijuana products by employees or prospective employees;

5 (2) Require an employer to allow or accommodate the use, consumption,
6 possession, transfer, display, transportation, sale, or cultivation of marijuana or
7 marijuana products in a place of employment;

8 (3) Allow driving, flying, or boating while impaired by marijuana or marijuana
9 products or prevent this state from enacting and imposing penalties for driving, flying,
10 or boating while impaired by marijuana or marijuana products;

11 (4) Allow individuals who are under twenty-one years of age to purchase,
12 possess, transport, or consume marijuana or marijuana products;

13 (5) Allow the sale, transfer, or provision of marijuana or marijuana products to
14 individuals who are under twenty-one years of age;

15 (6) Restrict the rights of employers, schools, day care centers, adult care
16 facilities, health care facilities, or correctional facilities to prohibit or regulate conduct
17 otherwise allowed under sections 196.3000 to 196.3048 if such conduct occurs on or in
18 properties listed under this subdivision;

19 (7) Restrict the ability of an individual, partnership, limited liability company,
20 private corporation, private entity, or private organization of any character that
21 occupies, owns, or controls property to prohibit or regulate conduct otherwise allowed
22 in this section on or in such property;

23 (8) Prohibit this state or a political subdivision of this state from prohibiting or
24 regulating conduct otherwise allowed under sections 196.3000 to 196.3048 when such
25 conduct occurs on or in property that is occupied, owned, controlled, or operated by this
26 state or a political subdivision of this state; or

27 (9) Require a person to violate federal law or to implement or fail to implement a
28 restriction on the possession, consumption, displaying, transferring, processing,
29 manufacturing, or cultivation of marijuana if by doing so the person will lose a
30 monetary or licensing-related benefit under federal law.

196.3009. 1. The following acts shall not be unlawful and shall not be an offense
2 under Missouri law:

3 (1) Possessing or consuming marijuana or marijuana products for personal use;

4 **(2) For any person twenty-one years of age or older in possession of a personal**
5 **cultivation registration card, cultivating or possessing no more than six mature,**
6 **flowering marijuana plants for noncommercial, personal use. The authority shall make**
7 **available to the public application forms and application instructions for personal**
8 **cultivation registration cards. The authority shall set fines for any person who exceeds**
9 **the limitation under this subdivision if the person has not obtained a marijuana business**
10 **license;**

11 **(3) Cultivating, harvesting, processing, manufacturing, packaging, distributing,**
12 **transferring, displaying, or possessing marijuana, marijuana accessories, or marijuana**
13 **products for commercial purposes, provided the person has current applicable licensing**
14 **to operate a marijuana business;**

15 **(4) Providing marijuana, marijuana accessories, or marijuana products for sale**
16 **to consumers twenty-one years of age or older; and**

17 **(5) Leasing or otherwise allowing the use of property owned, occupied, or**
18 **controlled by any person, corporation, or other entity for any of the activities conducted**
19 **lawfully in accordance with subdivisions (1) to (4) of this subsection.**

20 **2. The use or possession of marijuana shall in no way impede on a person's legal**
21 **right to possess a firearm, as long as the person is not in an intoxicated state as defined**
22 **under section 577.001.**

196.3012. Notwithstanding any provision of law, it shall be lawful for a person
2 **twenty-one years of age or older, or an emancipated individual under twenty-one years**
3 **of age with a physician's recommendation authorizing the use of marijuana, to transfer**
4 **or gift marijuana in any form including, but not limited to, plant material, seeds,**
5 **extract, or concentrate, to another adult twenty-one years of age or older, or to another**
6 **emancipated individual under twenty-one years of age with a physician's**
7 **recommendation authorizing the use of marijuana, provided no compensation of any**
8 **kind is given or received; however, nothing in this section shall be construed to permit**
9 **the transfer or gifting of marijuana to a person under twenty-one years of age, if such**
10 **person has a physician's recommendation authorizing the use of marijuana, by anyone**
11 **other than such person's legal guardian, under and in accordance with the provisions**
12 **governing the medically authorized administration of marijuana to a person under**
13 **twenty-one years of age.**

196.3015. Marijuana farmers, manufacturers, processors, and distributors shall
2 **not be subject to any special zoning requirement or licensing fee that is excessive,**
3 **discriminatory, prohibitive, or in any way contrary to that which is relative to any other**
4 **commercial or agricultural farmer, manufacturer, processor, or distributor.**

196.3018. 1. No Missouri law enforcement personnel or state funds shall be used
2 to assist or aid in the enforcement of federal marijuana laws involving acts that are no
3 longer illegal in the state of Missouri under sections 196.3000 to 196.3048.

4 2. As provided under section 610.135, Missouri's courts shall expunge conviction
5 records of offenses or municipal violations pertaining to nonviolent marijuana-related
6 offenses or violations that are no longer illegal in the state of Missouri under sections
7 196.3000 to 196.3048.

196.3021. 1. A tax shall be levied upon the sale of marijuana or marijuana
2 products to consumers or buyers not licensed for resale at a rate of four and two
3 hundred twenty-five thousandths percent. The department of revenue shall direct the
4 authority to establish procedures for the collection of all taxes levied. The tax shall be
5 evidenced by stamps that shall be furnished by and purchased from the department of
6 revenue, and the department of revenue shall enforce any such tax in a manner similar
7 to taxes levied on cigarettes under chapter 149.

8 2. All tax revenues collected under subsection 1 of this section shall be deposited
9 in the cannabis freedom fund established under section 196.3045. Moneys in the fund
10 shall be used to pay for the direct and indirect costs associated with the implementation,
11 administration, and enforcement of sections 196.3000 to 196.3048.

12 3. After all costs under subsection 2 of this section have been paid, moneys
13 remaining in the fund shall be disbursed as follows:

14 (1) Ten percent of remaining funds shall be deposited to the deputy sheriff salary
15 supplementation fund under section 57.278;

16 (2) Ten percent of remaining funds shall deposited to the peace officer standards
17 and training commission fund under section 590.178; and

18 (3) Ten percent of remaining funds shall be disbursed to the state fire marshal
19 for disbursement of grants to volunteer fire protection associations for the purpose of
20 funding such association's costs related to workers' compensation insurance premiums
21 for volunteer firefighters under section 287.245;

22 (4) Fifteen percent of remaining funds shall be disbursed to the department to
23 establish and administer the work training program under subsection 3 of section
24 557.059; and

25 (5) Five percent of remaining funds shall be used to provide assistance with
26 small business loans under section 196.3047.

27 4. Any excess moneys remaining in the fund after all costs and disbursements
28 under subsections 2 and 3 of this section have been paid shall revert to the general
29 revenue fund.

30 **5. Nothing in this section shall prohibit state and local sales tax as imposed under**
31 **the sales tax law and local sales tax law.**

196.3024. All provisions of sections 196.3000 to 196.3048 shall supersede any
2 **conflicting city, county, or state statute, local charter, ordinance, or resolution.**

196.3026. 1. The department shall issue rules or emergency rules for a
2 **marijuana and marijuana products independent testing and certification program for**
3 **marijuana licensees under sections 196.3000 to 196.3048, and the department shall issue**
4 **rules or emergency rules requiring such licensees to test marijuana and marijuana**
5 **products using one or more impartial, independent laboratories to ensure, at a**
6 **minimum, that products sold for human consumption do not contain contaminants that**
7 **are injurious to health and to ensure correct labeling and measure potency. The**
8 **department shall not require any marijuana or marijuana product to be tested more**
9 **than once prior to sale.**

10 **2. The department shall issue rules or emergency rules to provide for the**
11 **certification of and standards for marijuana testing facilities, including the**
12 **requirements for equipment and qualifications for personnel, but shall not require**
13 **certificate holders to have any federal agency licensing or have any relationship with a**
14 **federally licensed testing facility. The department shall certify, if possible, at least two**
15 **entities as marijuana testing facilities. No marijuana testing facility shall be owned by**
16 **an entity under substantially common control, ownership, or management as a**
17 **marijuana business.**

196.3027. 1. There is hereby established the "Cannabis Enforcement Authority"
2 **under the department. The authority shall have oversight and auditing responsibilities**
3 **to ensure that all marijuana being grown in Missouri for personal use is accounted for**
4 **and shall implement an inventory tracking system as provided under subsection 2 of this**
5 **section. The authority shall require that each marijuana business keep records for**
6 **every transaction with another marijuana business or consumer. Inventory shall be**
7 **tracked and updated after each individual sale and reported to the authority.**

8 **2. The authority shall require a seed-to-sale tracking system that tracks**
9 **marijuana from either seed or immature plant stage until the marijuana or marijuana**
10 **product is sold to a consumer at a marijuana business to ensure that no marijuana**
11 **grown or processed is sold or otherwise transferred except by a marijuana business.**
12 **The authority shall contract with a vendor or vendors to maintain a standardized**
13 **tracking system in the state. The tracking system shall include, at a minimum, the**
14 **following:**

15 **(1) Notification of when marijuana seeds are planted;**

16 **(2) Notification of when marijuana plants are harvested and destroyed;**

- 17 **(3) Notification of when marijuana is transported, sold, stolen, diverted, or lost;**
18 **(4) A complete inventory of all marijuana seeds, plant tissue, clones, plants,**
19 **usable marijuana or trim, leaves, and other plant matter, batches of extract, and**
20 **marijuana concentrates;**
21 **(5) All samples sent to a testing laboratory, an unused portion of a sample**
22 **returned to a licensee, and all samples utilized by a licensee for purposes of negotiating a**
23 **sale; and**
24 **(6) All samples used for quality testing by a licensee.**

196.3028. 1. There is hereby created the marijuana business license, which shall
2 **include applications for the following categories:**

- 3 **(1) Marijuana commercial growers;**
4 **(2) Marijuana processors; and**
5 **(3) Marijuana retailers.**

6 **2. The authority, with the aid of the office of administration, shall develop a**
7 **website for marijuana business license applications.**

8 **3. The authority shall determine an application fee for a marijuana business**
9 **license in an amount sufficient to cover administration, regulation, and enforcement**
10 **costs associated under sections 196.3000 to 196.3048, and the fee shall be deposited into**
11 **the cannabis freedom fund established under section 196.3045.**

12 **4. All applicants seeking licensure as a marijuana business shall comply with the**
13 **following general requirements:**

- 14 **(1) All applications shall contain the name and address of the applicant;**
15 **(2) All applications for marijuana commercial growers and marijuana**
16 **processors shall contain the name, address, and the legal description of the property;**
17 **(3) All applications for licenses authorized under this section shall be made upon**
18 **forms prescribed by the authority;**
19 **(4) All applications shall identify the city or county in which the applicant seeks**
20 **to obtain licensure as a marijuana business;**
21 **(5) Applicants shall submit a complete and accurate application to the authority**
22 **before the application may be accepted or considered;**
23 **(6) All applications shall include all attachments or supplemental information**
24 **required by the forms supplied by the authority;**
25 **(7) All applications shall be accompanied by a full remittance for the entire**
26 **amount of the application fees;**
27 **(8) All applicants shall be approved for licensing review that, at a minimum,**
28 **meet the following criteria:**
29 **(a) All applicants shall be twenty-one years of age or older; and**

30 **(b) All applying individuals or entities shall be registered to conduct business in**
31 **the state of Missouri, and all applying individuals shall be residents of the state of**
32 **Missouri;**

33 **(9) All applicants for a marijuana business license authorized under sections**
34 **196.3000 to 196.3048, including:**

- 35 **(a) Individual applicants applying on their own behalf;**
- 36 **(b) Individuals applying on behalf of an applying entity;**
- 37 **(c) All principal officers of an applying entity; and**
- 38 **(d) All owners of an entity,**

39

40 **shall undergo a Missouri criminal background check within thirty days prior to**
41 **applying for the license;**

42 **(10) All applicable fees charged for the criminal background check are the**
43 **responsibility of the applicant and shall not be higher than fees charged to any other**
44 **person or industry for such background check;**

45 **(11) All applicants, or applying individuals if an entity, shall establish their**
46 **identity through submission of a color copy or digital image of one of the following**
47 **unexpired documents:**

- 48 **(a) Front and back of a Missouri driver's license;**
- 49 **(b) Front and back of a Missouri identification card; or**
- 50 **(c) A United States passport or other photo identification issued by the United**
51 **States government; and**

52 **(12) All applicants, or applying individuals if an entity, shall submit an applicant**
53 **photograph.**

54 **5. A person or entity applying for a marijuana business license shall submit the**
55 **following to the authority:**

56 **(1) Business-formation documents, which may include, but are not limited to,**
57 **articles of incorporation, operating agreements, partnership agreements, and fictitious**
58 **business name statements;**

59 **(2) Financial information pertaining to the operations of the marijuana business,**
60 **which shall include the following:**

- 61 **(a) A list of funds belonging to the applicant held in savings, checking, or other**
62 **accounts maintained by a financial institution. The applicant shall provide for each**
63 **account the name of the financial institution, the address of the financial institution,**
64 **account type, account number, and the amount of moneys in the account;**

65 **(b) A list of loans made to the applicant. For each loan, the applicant shall**
66 **provide the amount of the loan; the date of the loan; term of the loan; security provided**
67 **for the loan; and the name, address, and phone number of the lender;**

68 **(c) A list of investments made into the marijuana business. For each investment,**
69 **the applicant shall provide the amount of the investment; the date of the investment;**
70 **term of the investment; and the name, address, and phone number of the investor;**

71 **(d) A complete list of every individual who has a financial interest in the**
72 **marijuana business but is not an owner of the marijuana business;**

73 **(e) Whether the applicant has an ownership or a financial interest in any other**
74 **marijuana business licensed in Missouri.**

75 **6. If the applicant is not the landowner of the real property upon which the**
76 **premises is located, the applicant shall provide to the authority a document from the**
77 **landowner or the agent of the landowner that states that the applicant has the right to**
78 **occupy the property and acknowledges the applicant may use the property for**
79 **marijuana business activities for which the applicant is applying for licensure. An**
80 **applicant shall also provide a copy of the rental agreement, as applicable.**

81 **7. If the applicant is the landowner of the real property upon which the premises**
82 **is located, the applicant shall provide to the authority a copy of the title or deed to the**
83 **property.**

84 **8. If the applicant is applying for a marijuana commercial grower license, the**
85 **applicant shall also submit the following:**

86 **(1) For indoor and mixed light cultivation, identification of all power sources for**
87 **cultivation activities including, but not limited to, illumination, heating, cooling, and**
88 **ventilation;**

89 **(2) If the applicant is proposing to use a diversion from a waterbody,**
90 **groundwater well, or rain catchment system as a water source for cultivation, the**
91 **following locations on the property diagram with locations also provided as GPS**
92 **coordinates in latitude and longitude:**

93 **(a) Sources of the water used, including the location of waterbody diversion;**

94 **(b) Pump location and distribution system; and**

95 **(c) Location, type, and capacity of each storage unit to be used for cultivation;**

96 **(3) A proposed cultivation plan, which shall include identification of all water**
97 **sources used for cultivation activities;**

98 **(4) Evidence of insurance including, but not limited to:**

99 **(a) General liability insurance;**

100 **(b) Workers' compensation insurance; and**

101 **(c) Product liability insurance; and**

102 **(5) Any additional information required by the authority.**

103 **9. The authority shall be authorized to issue the following types of marijuana**
104 **processor licenses based on the level of risk posed by the type of processing conducted:**

105 **(1) A nonhazardous marijuana processor license; or**

106 **(2) A hazardous marijuana processor license.**

107 **10. In addition to the application requirements under this section, a marijuana**
108 **commercial grower or marijuana processor shall demonstrate to the authority that the**
109 **grower or processor has a bank account and shall provide growth estimates, processing**
110 **estimates, and predicted electrical and water usage to grow or process marijuana.**

111 **11. All applicants shall submit information to the authority in a full, faithful,**
112 **truthful, and fair manner. The authority may deny an application if the applicant made**
113 **misstatements, omissions, misrepresentations, or untruths in the application or in**
114 **connection with the background investigation of the applicant. Such conduct may be**
115 **considered as the basis for additional administrative action against the applicant. Typos**
116 **and scrivener's errors shall not be grounds for denial. The criminal background of an**
117 **applicant, as long as it does not include any violation under sections 196.3000 to**
118 **196.3048, shall not be used as the sole grounds for denial of an application.**

119 **12. In investigating the qualifications of an applicant, the authority may have**
120 **access to criminal history record information furnished by a criminal justice agency,**
121 **subject to any restrictions imposed by such an agency. In the event the authority**
122 **considers the criminal history record of the applicant, the authority shall also consider**
123 **any information provided by the applicant regarding such criminal history record**
124 **including, but not limited to, evidence of rehabilitation, character references, and**
125 **educational achievements, and those items pertaining to the period of time between the**
126 **last criminal conviction of the applicant and the consideration of the application for a**
127 **state license.**

128 **13. (1) The authority shall review the marijuana business license application,**
129 **approve or reject the application, and mail or email the approval, rejection, or status-**
130 **update letter to the applicant within ninety days of receipt of the application.**

131 **(2) The authority may reject an application for a marijuana business license if**
132 **the requirements for the marijuana business license application are not satisfied.**

133 **(3) If an application is rejected for failure to provide the required information,**
134 **the applicant shall have thirty days to submit the required information for**
135 **reconsideration. No additional application fee shall be charged for such**
136 **reconsideration.**

137 **14. The following violations shall be grounds for denial of a marijuana license**
138 **under this section:**

- 139 **(1) Unlawful sales or purchases;**
140 **(2) Any fraudulent acts, falsification of records, or misrepresentation to the**
141 **authority;**
142 **(3) Any grossly inaccurate or fraudulent reporting;**
143 **(4) Threatening or harming any marijuana patient, caregiver, consumer,**
144 **medical practitioner, or employee of the authority;**
145 **(5) Knowingly or intentionally refusing to permit the authority access to the**
146 **premises or records;**
147 **(6) Using a prohibited, hazardous substance for processing in a residential area;**
148 **(7) Criminal acts relating to the operation of a marijuana business; or**
149 **(8) Any violation that endangers public health and safety or product safety.**
150 **15. Status-update letters shall provide a reason for delay in either approval or**
151 **rejection if a situation arises in which an application was submitted properly but a delay**
152 **in processing the application occurred.**
153 **16. All marijuana business applicants shall pay the relevant application fee prior**
154 **to receiving a license under section 196.3029 to operate a marijuana business, as**
155 **provided under this section, for each category of license.**
156 **17. The authority shall issue, at a minimum, twice the number of marijuana**
157 **commercial growers licenses as were authorized or issued for medical marijuana**
158 **cultivation facilities under Article XIV, Section 1 of the Constitution of Missouri as of**
159 **August 28, 2022, twice the number of marijuana processing licenses as were authorized**
160 **or issued for medical marijuana-infused products manufacturing facilities under Article**
161 **XIV, Section 1 of the Constitution of Missouri as of August 28, 2022, and twice the**
162 **number of marijuana retailers licenses as were authorized or issued for medical**
163 **marijuana dispensary facilities under Article XIV, Section 1 of the Constitution of**
164 **Missouri as of August 28, 2022. The department may lift or ease any limit on the**
165 **number of licensees or certificate holders in order to meet the demand for marijuana in**
166 **the state and to ensure a competitive market while also preventing an over-**
167 **concentration of marijuana facilities within the boundaries of any particular local**
168 **government.**

196.3029. 1. As used in this section, "conditional marijuana business license"
2 **means a conditional license that authorizes the licensee to engage in commercial**
3 **marijuana activities as would be permitted under the privileges of an annual marijuana**
4 **business license. A conditional marijuana business licensee shall follow all applicable**
5 **rules and regulations as would be required if the licensee held an annual license.**

6 **2. Once the authority has certified the application is complete and accurate, a**
7 **conditional marijuana business license shall be issued under this section.**

8 **3. The authority shall continue its review of the licensee of the conditional**
9 **marijuana business license and conduct all investigations, inspections, and interviews,**
10 **including a site inspection, before approving the licensee for an annual marijuana**
11 **business license. The authority shall promulgate rules and regulations relating to the**
12 **investigations, inspections, and interviews required to be conducted under this**
13 **subsection.**

14 **4. Status-update letters shall provide a reason for any delay in issuing an annual**
15 **license.**

16 **5. An annual license provided under this section shall not be issued until all**
17 **investigations, inspections, and interviews required under this section have been**
18 **satisfied and all relevant local licenses and permits have been issued by the municipality**
19 **including, but not limited to, an occupancy permit or certificate of compliance.**

20 **6. An annual license issued to a marijuana business under this section shall**
21 **expire one year from the date on which the license was issued. Such license shall be**
22 **renewed by the licensee, and the license renewal requirements and fee for such renewal**
23 **shall be determined by the authority. A marijuana business that attempts to renew its**
24 **license after the expiration date of the license shall pay a late renewal fee of ten percent**
25 **of the license fee. Late renewal fees are nonrefundable. A license that has been expired**
26 **for more than ninety days shall not be renewed.**

27 **7. A marijuana business license shall not be issued to or held by:**

28 **(1) A person until all required fees have been paid;**

29 **(2) A person under twenty-one years of age;**

30 **(3) A person licensed under this section who, during a period of licensure, or at**
31 **the time of application under section 196.3028, has failed to:**

32 **(a) File taxes or report interest or penalties due; or**

33 **(b) Pay taxes, interest, or penalties due.**

196.3031. 1. (1) A licensed marijuana commercial grower shall sell only at the
2 **wholesale level to a licensed marijuana retailer, another licensed marijuana commercial**
3 **grower, or a licensed marijuana processor.**

4 **(2) A licensed marijuana commercial grower shall be required to complete and**
5 **submit a monthly yield and sales report to the authority. The report shall be due on the**
6 **fifteenth of each month and provide reporting for the previous month. The report shall**
7 **detail the amount of marijuana harvested in pounds, the amount of drying or dried**
8 **marijuana on hand, the amount of marijuana sold to licensed processors in pounds, the**
9 **amount of waste in pounds, and the amount of marijuana sold to licensed marijuana**
10 **dispensaries in pounds. Additionally, the report shall show total wholesale sales in**
11 **dollars.**

12 **(3) The authority may inspect a growing operation and determine the**
13 **operation's compliance with sections 196.3000 to 196.3048. If a deficiency is found, a**
14 **written report of the deficiency shall be issued to the licensed marijuana commercial**
15 **grower. The licensed marijuana commercial grower shall have one month to correct the**
16 **deficiency or be subject to fines as determined by the authority.**

17 **(4) The authority shall have oversight and auditing responsibilities to ensure**
18 **that all marijuana being grown by a licensed marijuana commercial grower is**
19 **accounted for.**

20 **2. (1) A licensed marijuana processor may take marijuana plants and distill or**
21 **process such plants into concentrates, edibles, and other forms for consumption.**

22 **(2) The authority shall make available a set of standards that shall be used by**
23 **licensed marijuana processors in the preparation of edible marijuana products. The**
24 **standards shall be in line with current food preparation guidelines. No excessive or**
25 **punitive rules shall be established by the authority.**

26 **(3) The authority may inspect a processing operation and determine the**
27 **operation's compliance with the preparation standards. If a deficiency is found, a**
28 **written report of the deficiency shall be issued to the licensed marijuana processor. The**
29 **licensed marijuana processor shall have one month to correct the deficiency or be**
30 **subject to fines as determined by the authority.**

31 **(4) A licensed marijuana processor may sell marijuana products the processor**
32 **creates to a licensed marijuana dispensary or any other licensed marijuana processor.**
33 **All sales by a licensed marijuana commercial grower or marijuana processor shall be**
34 **considered wholesale sales and shall not be subject to taxation.**

35 **(5) A licensed marijuana processor shall be required to complete and submit a**
36 **monthly yield and sales report to the authority. The report shall be due on the fifteenth**
37 **of each month and shall provide reporting for the previous month. The report shall**
38 **detail the amount of marijuana and marijuana products purchased in pounds, the**
39 **amount of marijuana cooked or processed in pounds, and the amount of waste in**
40 **pounds. Additionally, the report shall show total wholesale sales in dollars. The**
41 **authority shall have oversight and auditing responsibilities to ensure that all marijuana**
42 **being processed is accounted for.**

196.3032. 1. A marijuana transporter license shall be issued to qualifying
2 **applicants for a marijuana retailer, marijuana commercial grower, or marijuana**
3 **processor license. The marijuana transporter license shall be issued at the time of**
4 **approval of a conditional or annual marijuana business license. The fees for the**
5 **marijuana transporter license, including any renewal fees, shall be paid by the applicant**
6 **as determined by the authority.**

7 **2. A marijuana transporter license shall allow the holder to transport marijuana**
8 **from a Missouri-licensed marijuana retailer, licensed marijuana commercial grower**
9 **facility, or licensed marijuana processor facility to a Missouri-licensed marijuana**
10 **retailer, licensed marijuana commercial grower facility, or licensed marijuana**
11 **processing facility.**

12 **3. All marijuana or marijuana products shall be transported in a locked**
13 **container and clearly labeled "Marijuana or Derivative".**

14 **4. No marijuana business shall possess, sell, or transfer marijuana or marijuana**
15 **products without a valid, unexpired marijuana transporter license issued by the**
16 **authority.**

17 **5. A marijuana transporter license shall be valid for one year and shall not be**
18 **transferred with a change of ownership. A licensed marijuana transporter shall be**
19 **responsible for all marijuana, marijuana concentrate, and marijuana products once the**
20 **transporter takes control of the product.**

21 **6. A marijuana transporter license shall be required for any person or entity to**
22 **transport or transfer marijuana, marijuana concentrate, or marijuana products from a**
23 **licensed marijuana business to another licensed marijuana business.**

24 **7. A marijuana transporter licensee may contract with multiple licensed**
25 **marijuana businesses.**

26 **8. A marijuana transporter licensee shall use the seed-to-sale tracking system**
27 **developed under section 196.3027 to create shipping manifests documenting the**
28 **transport of marijuana, marijuana concentrate, and marijuana products throughout**
29 **the state.**

30 **9. With the exception of a lawful transfer between marijuana businesses that are**
31 **licensed to operate at the same physical address, all marijuana, marijuana concentrate,**
32 **and marijuana products shall be transported:**

33 **(1) In a vehicle equipped with a global positioning system (GPS) tracker or with**
34 **cell phone tracking;**

35 **(2) In a locked and number-tagged container clearly labeled "Marijuana or**
36 **Derivative"; and**

37 **(3) In a secured area of the vehicle that is not accessible by the driver during**
38 **transit.**

39 **10. A marijuana transporter agent may possess marijuana at any location while**
40 **the marijuana transporter agent is transferring marijuana to or from a licensed**
41 **marijuana business. The department shall administer and enforce the provisions of this**
42 **section concerning transportation.**

43 **11. The authority shall issue a marijuana transporter agent license to individual**
44 **agents, employees, officers, or owners of a marijuana transporter licensee in order for**
45 **the individual to qualify to transport marijuana, marijuana concentrate, or marijuana**
46 **products.**

47 **12. The fee for a marijuana transporter agent license shall be one hundred**
48 **dollars and shall be paid by the marijuana transporter license holder or the individual**
49 **applicant. Marijuana transporter agent license reprints shall be one hundred dollars.**
50 **The authority shall issue each marijuana transporter agent a registry identification card**
51 **within thirty days of receipt of the name, address, and date of birth of the person.**

52 **13. A registry identification card for a marijuana transporter agent shall expire**
53 **three years after the date of issuance or upon notification from the holder of the**
54 **marijuana transporter license that the marijuana transporter agent ceases to work as a**
55 **marijuana transporter.**

56 **14. The department may revoke the registry identification card of a marijuana**
57 **transporter agent who knowingly violates any provision of this section, and the**
58 **marijuana transporter shall be subject to any other penalties established by law for the**
59 **violation. The department may revoke or suspend the marijuana transporter license of**
60 **a marijuana transporter that the department determines knowingly aided or facilitated**
61 **a violation of any provision of this section, and the license holder shall be subject to any**
62 **other penalties established in law for the violation.**

63 **15. Vehicles used in the transport of marijuana or marijuana products shall:**

64 **(1) Be insured at or above the legal requirements in Missouri; and**

65 **(2) Be capable of securing marijuana during transport.**

66 **16. Prior to the transport of any marijuana, marijuana concentrate, or**
67 **marijuana product, an inventory manifest shall be prepared at the origination point of**
68 **the marijuana. The inventory manifest shall include the following information:**

69 **(1) For the origination point of the marijuana:**

70 **(a) The license number for the commercial grower, processor, or retailer;**

71 **(b) The address of the origination of transport; and**

72 **(c) The name and contact information for the originating licensee;**

73 **(2) For the end-recipient license holder of the marijuana:**

74 **(a) The license number for the retailer, commercial grower, and processor;**

75 **(b) The address of the destination; and**

76 **(c) The name and contact information for the destination licensee;**

77 **(3) Quantities by weight or unit of each type of marijuana product contained in**
78 **the transport;**

79 **(4) The date of the transport and the approximate time of departure;**

80 (5) The arrival date and the estimated time of arrival;

81 (6) Printed names and signatures of the personnel accompanying the transport;
82 and

83 (7) Notation of the transporting licensee.

84 17. A separate inventory manifest shall be prepared for each licensee receiving
85 the marijuana.

86 18. The marijuana transporter agent shall provide the other marijuana business
87 with a copy of the inventory manifest at the time the product changes hands and after
88 the other licensee prints his or her name and signs the inventory manifest.

89 19. A receiving licensee shall refuse to accept any marijuana, marijuana
90 concentrate, or marijuana product that is not accompanied by an inventory manifest.

91 20. Originating and receiving licensees shall maintain copies of inventory
92 manifests and logs of quantities of marijuana exchanged for three years from the date of
93 receipt.

94 21. Notwithstanding the provisions of this section, a peace officer licensed by the
95 POST commission under sections 590.010 to 590.195 when off-duty may transport
96 marijuana without a marijuana transportation license.

196.3036. An entity that was awarded a medical marijuana business license by
2 the department may apply for a marijuana business license under section 196.3028 so
3 long as the requirements under sections 196.3000 to 196.3048 are met.

196.3042. If marijuana is legalized on a federal level, the state shall explore the
2 option to enter into any interstate compact or agreement relating to marijuana.

196.3045. 1. There is hereby created in the state treasury the "Cannabis
2 Freedom Fund", which shall consist of moneys collected under sections 196.3021,
3 196.3028, and 196.3029, and subsection 12 of section 196.3032. The state treasurer shall
4 be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
5 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
6 appropriation, moneys in this fund shall be used solely as provided in section 196.3021.

7 2. The state treasurer shall invest moneys in the fund in the same manner as
8 other funds are invested. Any interest and moneys earned on such investments shall be
9 credited to the fund.

196.3047. The department shall establish a loan program in which women and
2 minority business enterprises may apply for a small business loan that shall be interest-
3 free for a period of two years.

196.3048. The authority shall promulgate all necessary rules and regulations for
2 the administration of sections 196.3000 to 196.3048. Any rule or portion of a rule, as
3 that term is defined in section 536.010, that is created under the authority delegated in

4 **this section shall become effective only if it complies with and is subject to all of the**
5 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
6 **536 are nonseverable, and if any of the powers vested with the general assembly**
7 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
8 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
9 **and any rule proposed or adopted after August 28, 2022, shall be invalid and void.**

288.045. 1. If a claimant is at work with a detectible amount of alcohol, **marijuana**,
2 or a controlled substance as defined in section 195.010 in the claimant's system, in violation
3 of the employer's alcohol and controlled substance workplace policy, the claimant shall have
4 committed misconduct connected with the claimant's work.

5 2. A test conducted by a laboratory certified by the United States Department of
6 Health and Human Services, or another certifying organization so long as the certification
7 requirements meet the minimum standards of the United States Department of Health and
8 Human Services, and the laboratory's trial packet shall be included in the administrative
9 record and considered as evidence.

10 3. The claimant must have previously been notified of the employer's alcohol and
11 controlled substance workplace policy by conspicuously posting the policy in the workplace,
12 by including the policy in a written personnel policy or handbook, or by statement of such
13 policy in a collective bargaining agreement governing employment of the employee. The
14 policy, public posting, handbook, collective bargaining agreement or other written notice
15 provided to the employee must state that a positive test result may result in suspension or
16 termination of employment.

17 4. Test results shall be admissible if the employer's policy clearly states an employee
18 may be subject to random, preemployment, reasonable suspicion or post-accident testing. An
19 employer may require a preemployment test for alcohol, **marijuana**, or controlled substance
20 use as a condition of employment, and test results shall be admissible so long as the claimant
21 was informed of the test requirement prior to taking the test. A random, preemployment,
22 reasonable suspicion or post-accident test result, conducted under this section, which is
23 positive for alcohol, **marijuana**, or controlled substance use shall be considered misconduct.

24 5. The application of this section for alcohol, **marijuana**, and controlled substance
25 testing, relating only to methods of testing, criteria for testing, chain of custody for samples or
26 specimens and due process for employee notification procedures shall not apply in the event
27 that the claimant is subject to the provisions of any applicable collective bargaining
28 agreement, so long as said agreement contains methods for alcohol, **marijuana**, or controlled
29 substance testing that meet or exceed the minimum standards established in this section.
30 Nothing in this chapter is intended to authorize any employer to test any applicant or
31 employee for alcohol, **marijuana**, or drugs in any manner inconsistent with Missouri or

32 United States Constitution, law, statute or regulation, including those imposed by the
33 Americans with Disabilities Act and the National Labor Relations Act.

34 6. All specimen collection for drugs and alcohol under this chapter shall be performed
35 in accordance with the procedures provided for by the United States Department of
36 Transportation rules for workplace drug and alcohol testing compiled at 49 C.F.R., Part 40.
37 Any employer that performs drug testing or specimen collection shall use chain-of-custody
38 procedures established by regulations of the United States Department of
39 Transportation."Specimen" means tissue, fluid, or a product of the human body capable of
40 revealing the presence of alcohol, **marijuana**, or drugs or their metabolites. "Chain of
41 custody" refers to the methodology of tracking specified materials or substances for the
42 purpose of maintaining control and accountability from initial collection to final disposition
43 for all such materials or substances, and providing for accountability at each stage in
44 handling, testing, and storing specimens and reporting test results.

45 7. The employee may request that a confirmation test on the specimen be conducted.
46 "Confirmation test" means a second analytical procedure used to identify the presence of
47 **marijuana or** a specific drug or alcohol or metabolite in a specimen, which test must be
48 different in scientific principle from that of the initial test procedure and must be capable of
49 providing requisite specificity, sensitivity and quantitative accuracy. In the event that a
50 confirmation test is requested, such shall be obtained from a separate, unrelated certified
51 laboratory and shall be at the employee's expense only if said test confirms the original,
52 positive test results. For purposes of this section, confirmation test shall be a split specimen
53 test.

54 8. Use of a controlled substance as defined under section 195.010 under and in
55 conformity with the lawful order of a healthcare practitioner, shall not be deemed to be
56 misconduct connected with work for the purposes of this section.

57 9. **Use of marijuana or a marijuana-infused product under Article XIV, Section**
58 **1 of the Constitution of Missouri shall not be deemed to be misconduct connected with**
59 **work for the purposes of this section.**

60 10. This section shall have no effect on employers who do not avail themselves of the
61 requirements and regulations for alcohol, **marijuana**, and controlled drug testing
62 determinations that are required to affirm misconduct connected with work findings.

63 ~~[40.]~~ 11. Any employer that initiates an alcohol and drug testing policy after January
64 1, 2005, shall ensure that at least sixty days elapse between a general one-time notice to all
65 employees that an alcohol and drug testing workplace policy is being implemented and the
66 effective date of the program.

67 ~~[H.]~~ **12.** Notwithstanding any provision of this chapter to the contrary, any claimant
68 found to be in violation of this section shall be subject to the cancellation of all or part of the
69 claimants wage credits as provided by subsection 2 of section 288.050.

362.033. 1. The division of finance shall not prohibit, penalize, take any adverse
2 action against, or otherwise discourage a bank or trust company from providing
3 financial services to a facility licensed or certified under Article XIV, Section 1 of the
4 Constitution of Missouri or to any service provider to such a facility or to a business
5 licensed under sections 196.3000 to 196.3048.

6 **2.** Nothing in this chapter shall require a bank or trust company to provide
7 financial services to a facility licensed or certified under Article XIV, Section 1 of the
8 Constitution of Missouri or to any service provider to such a facility or to a business
9 licensed under sections 196.3000 to 196.3048.

10 **3.** Nothing in this chapter shall be construed in any way as limiting or otherwise
11 restricting the general examination, supervisory, or enforcement authority of the
12 division of finance over any bank or trust company, provided that the basis for any
13 examination or supervisory or enforcement action is not solely the provision of financial
14 services to a facility licensed or certified under Article XIV, Section 1 of the Constitution
15 of Missouri or to any service provider to such a facility or to a business licensed under
16 sections 196.3000 to 196.3048.

17 **4.** As used in this section, the following terms mean:

18 **(1)** "Financial services", receiving the savings of, making loans to, depositing the
19 funds of, or investing funds;

20 **(2)** "Service provider", a business, organization, person, or entity that:

21 **(a)** Sells goods or services to an entity; or

22 **(b)** Provides any business services including, but not limited to, the sale or lease
23 of real property or other property; accounting, legal, or other licensed services; or other
24 ancillary service, to an entity.

362.105. 1. Every bank and trust company created under the laws of this state may
2 for a fee or other consideration, directly or through a subsidiary company, and upon
3 complying with any applicable licensing statute:

4 **(1)** Conduct the business of receiving money on deposit and allowing interest thereon
5 not exceeding the legal rate or without allowing interest thereon, and of buying and selling
6 exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate
7 or personal property, and upon collateral of personal security at a rate of interest not
8 exceeding that allowed by law, and also of buying, investing in, selling and discounting
9 negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of

10 commercial paper; and for all loans and discounts made, the corporation may receive and
11 retain the interest in advance;

12 (2) Accept for payment, at a future date, drafts drawn upon it by its customers and to
13 issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its
14 correspondents at sight or on time not exceeding one year; provided, that no bank or trust
15 company shall incur liabilities under this subdivision to an amount equal at any time in the
16 aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with
17 the approval of the director under such general regulations as to amount of acceptances as the
18 director may prescribe;

19 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve
20 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve
21 bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal
22 Reserve Act" and any amendments thereto; to become a member of the Federal Reserve
23 Bank, and to have and exercise all powers, not in conflict with the laws of this state, which are
24 conferred upon any member by the Federal Reserve Act and any amendments thereto. The
25 member bank or trust company and its directors, officers and stockholders shall continue to be
26 subject, however, to all liabilities and duties imposed upon them by any law of this state and
27 to all the provisions of this chapter relating to banks or trust companies;

28 (4) Subscribe for and purchase such stock in the Federal Deposit Insurance
29 Corporation and to make such payments to and to make such deposits with the Federal
30 Deposit Insurance Corporation and to pay such assessments made by such corporation as will
31 enable the bank or trust company to obtain the benefits of the insurance of deposits under the
32 act of Congress known as "The Banking Act of 1933" and any amendments thereto;

33 (5) Invest in a bank service corporation as defined by the act of Congress known as
34 the "Bank Service ~~Corporation~~ **Company Act**", Public Law 87-856, as approved October
35 23, 1962, to the same extent as provided by that act or any amendment thereto;

36 (6) Hold a noncontrolling equity interest in any business entity that conducts only
37 activities that are financial in nature or incidental to financial activity or that is established
38 pursuant to subdivision (16) of this subsection where the majority of the stock or other
39 interest is held by Missouri banks, Missouri trust companies, national banks located in
40 Missouri, or any foreign bank with a branch or branches in Missouri, or any combination of
41 these financial institutions; provided that if the entity is defined pursuant to Missouri law as
42 any type of financial institution subsidiary or other type of entity subject to special conditions
43 or regulations, those conditions and regulations shall remain applicable, and provided that
44 such business entity may be formed as any type of business entity, in which each investor's
45 liability is limited to the investment in and loans to the business entity as otherwise provided
46 by law;

47 (7) Receive upon deposit for safekeeping personal property of every description, and
48 to own or control a safety vault and rent the boxes therein;

49 (8) Purchase and hold the stock of one safe deposit company organized and existing
50 under the laws of the state of Missouri and doing a safe deposit business on premises owned
51 or leased by the bank or trust company at the main banking house and any branch operated by
52 the bank or trust company; provided, that the purchasing and holding of the stock is first duly
53 authorized by resolution of the board of directors of the bank or trust company and by the
54 written approval of the director, and that all of the shares of the safe deposit company shall be
55 purchased and held, and shall not be sold or transferred except as a whole and not be pledged
56 at all, all sales or transfers or pledges in violation hereof to be void;

57 (9) Act as the fiscal or transfer agent of the United States, of any state, municipality,
58 body politic or corporation and in such capacity to receive and disburse money, to transfer,
59 register and countersign certificates of stock, bonds and other evidences of indebtedness;

60 (10) Acquire or convey real property for the following purposes:

61 (a) Real property conveyed to it in satisfaction or part satisfaction of debts previously
62 contracted in the course of its business;

63 (b) Real property purchased at sales under judgment, decrees or liens held by it; and

64 (c) Real property purchased or leased by a bank for the purpose of leasing or
65 subleasing that property to a public entity including, but not limited to, government buildings,
66 municipal buildings, school buildings and grounds, and public hospitals. The bank shall only
67 lease the property to a public entity that has sufficient resources to make all rental payments
68 as the payments become due. The lease agreement shall provide that, upon the expiration of
69 the lease, the public entity will become the owner of the real property and any building or
70 facility located thereon. No bank shall purchase or lease real estate for this purpose if the
71 purchase or lease will exceed the bank's lending limit under section 362.170;

72 (11) Purchase, hold and become the owner and lessor of personal property acquired
73 upon the specific request of and for use of a customer; and, in addition, leases that neither
74 anticipate full purchase price repayment on the leased asset, nor require the lease to cover the
75 physical life of the asset, other than those for motor vehicles which will not be used by bank
76 or trust company personnel, and may incur such additional obligations as may be incident to
77 becoming an owner and lessor of the property, subject to the following limitations:

78 (a) Lease transactions do not result in loans for the purpose of section 362.170, but
79 the total amount disbursed under leasing obligations or rentals by any bank to any person,
80 partnership, association, or corporation shall at no time exceed the legal loan limit permitted
81 by statute except upon the written approval of the director of finance; and

82 (b) Lease payments are in the nature of rent rather than interest, and the provisions of
83 chapter 408 are not applicable;

84 (12) Contract with another bank or trust company, bank service corporation or other
85 partnership, corporation, association or person, within or without the state, to render or
86 receive any banking or trust services authorized under this chapter such as check and deposit
87 sorting and posting, computation and posting of interest and other credits and charges,
88 preparation and mailing of checks, statements, notices, and similar items, or any other
89 clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the
90 storage, transmitting or processing of any information or data. Any person or entity that
91 provides, by contract or otherwise, such services to a bank or trust company, other than an
92 entity that is a founding member and is represented on the executive committee of the
93 Payment Card Industry Security Standards Council and that is examined and regulated under
94 the Bank Service Company Act (12 U.S.C. Sections 1861 to ~~1867(e)~~ **1867**) or any successor
95 statute by an appropriate federal banking agency, shall be subject to examination by the
96 division of finance to the same extent as if the service was being performed by the bank or
97 trust company on its own premises. Each bank or trust company under the jurisdiction of the
98 division of finance shall provide a list of all persons or entities providing services to the bank
99 or trust company;

100 (13) Purchase and hold stock in a corporation whose only purpose is to purchase,
101 lease, hold or convey real property of a character which the bank or trust company holding
102 stock in the corporation could itself purchase, lease, hold or convey pursuant to the provisions
103 of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first
104 duly authorized by resolution of the board of directors of the bank or trust company and that
105 all of the shares of the corporation shall be purchased and held by the bank or trust company
106 and shall not be sold or transferred except as a whole;

107 (14) Purchase and sell investment securities, without recourse, solely upon order and
108 for the account of customers; and establish and maintain one or more mutual funds and offer
109 to the public shares or participations therein. Any bank which engages in such activity shall
110 comply with all provisions of chapter 409 regarding the licensing and registration of sales
111 personnel for mutual funds so offered, provided that such banks shall register as a broker-
112 dealer with the office of the commissioner of securities and shall consent to supervision and
113 inspection by that office and shall be subject to the continuing jurisdiction of that office;

114 (15) Make debt or equity investments in corporations or projects, whether for profit
115 or not for profit, designed to promote the development of the community and its welfare,
116 provided that the aggregate investment in all such corporations and in all such projects does
117 not exceed five percent of the unimpaired capital of the bank, and provided that this limitation
118 shall not apply to loans made under the authority of other provisions of law, and other
119 provisions of law shall not limit this subdivision; ~~and~~

120 (16) Offer through one or more subsidiaries any products and services which a
121 national bank may offer through its financial subsidiaries, subject to the limitations that are
122 applicable to national bank financial subsidiaries, and provided such bank or trust company
123 meets the division of finance safety and soundness considerations. This subdivision is
124 enacted to provide in part competitive equality with national banks' powers under the Gramm-
125 Leach-Bliley Act of 1999, Public Law 106-102; and

126 **(17) Receive the savings of, make loans to, deposit the funds of, and invest funds**
127 **of customers who operate as a facility licensed or certified under Article XIV, Section 1**
128 **of the Constitution of Missouri or who operate as a business licensed under sections**
129 **196.3000 to 196.3048. No bank or trust company acting in accordance with this**
130 **subdivision shall be liable under state law for contracting with a facility licensed or**
131 **certified under Article XIV, Section 1 of the Constitution of Missouri or a business**
132 **licensed under sections 196.3000 to 196.3048.**

133 2. In addition to the power and authorities granted in subsection 1 of this section, and
134 notwithstanding any limitations therein, a bank or trust company may:

135 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real property
136 and improvements thereto suitable for the convenient conduct of its functions. The bank may
137 derive income from renting or leasing such real property or improvements or both. If the
138 purchase or lease of such real property or improvements exceeds the legal loan limit or is
139 from an officer, director, employee, affiliate, principal shareholder or a related interest of such
140 person, prior approval shall be obtained from the director of finance; and

141 (2) Loan money on real estate as defined in section 442.010, and handle escrows,
142 settlements and closings on real estate for the benefit of the bank's customers, as a core part of
143 the banking business, notwithstanding any other provision of law to the contrary.

144 3. In addition to the powers and authorities granted in subsection 1 of this section,
145 every trust company created under the laws of this state shall be authorized and empowered
146 to:

147 (1) Receive money in trust and to accumulate the same at such rate of interest as may
148 be obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

149 (2) Accept and execute all such trusts and perform such duties of every description as
150 may be committed to it by any person or persons whatsoever, or any corporation, and act as
151 assignee, receiver, trustee and depository, and to accept and execute all such trusts and
152 perform such duties of every description as may be committed or transferred to it by order,
153 judgment or decree of any courts of record of this state or other states, or of the United States;

154 (3) Take, accept and hold, by the order, judgment or decree of any court of this state,
155 or of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or
156 bequest of any person or corporation, any real or personal property in trust, and to execute and

157 perform any and all the legal and lawful trusts in regard to the same upon the terms,
158 conditions, limitations and restrictions which may be declared, imposed, established or agreed
159 upon in and by the order, judgment, decree, gift, grant, assignment, transfer, devise or
160 bequest;

161 (4) Buy, invest in and sell all kinds of stocks or other investment securities;

162 (5) Execute, as principal or surety, any bond or bonds required by law to be given in
163 any proceeding, in law or equity, in any of the courts of this state or other states, or of the
164 United States;

165 (6) Act as trustee, personal representative, or conservator or in any other like
166 fiduciary capacity; and

167 (7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic,
168 in the management and control of real or personal property, the sale or conveyance of same,
169 the investment of money, and for any other lawful purpose.

170 4. (1) In addition to the powers and authorities granted in this section, the director of
171 finance may, from time to time, with the approval of the state banking and savings and loan
172 board, issue orders granting such other powers and authorities as have been granted to
173 financial institutions subject to the supervision of the federal government to:

174 (a) State-chartered banks and trust companies which are necessary to enable such
175 banks and trust companies to compete;

176 (b) State-chartered banks and trust companies to establish branches to the same extent
177 that federal law permits national banks to establish branches;

178 (c) Subsidiaries of state-chartered banks and trust companies to the same extent
179 powers are granted to national bank subsidiaries to enable such banks and trust companies to
180 compete; and

181 (d) State-chartered banks and trust companies to establish trust representative offices
182 to the same extent national banks are permitted such offices~~[-and]~~.

183 (2) The orders shall be promulgated as provided in section 361.105 and shall not be
184 inconsistent with the constitution and the laws of this state.

185 5. As used in this section, the term "subsidiary" shall include one or more business
186 entities of which the bank or trust company is the owner, provided the owner's liability is
187 limited by the investment in and loans to the subsidiary as otherwise provided for by law.

188 6. A bank or trust company to which authority is granted by regulation in subsection 4
189 of this section, based on the population of the political subdivision, may continue to exercise
190 such authority for up to five years after the appropriate decennial census indicates that the
191 population of the town in which such bank or trust company is located has exceeded the limits
192 provided for by regulation pursuant to subsection 4 of this section.

369.144. Each association incorporated pursuant to or operating under the provisions
2 of sections 369.010 to 369.369 has all the powers enumerated, authorized, and permitted by
3 sections 369.010 to 369.369 and such other rights, privileges, and powers as may be
4 incidental to or reasonably necessary to exercise such powers granted herein. Among others,
5 and except as otherwise limited by the provisions of sections 369.010 to 369.369, each
6 association has the following powers:

- 7 (1) To have perpetual existence; to adopt and use a corporate seal, which may be
8 affixed by imprint, facsimile, or otherwise; and to adopt and amend bylaws as provided in
9 sections 369.010 to 369.369;
- 10 (2) To sue and be sued, complain and defend in any court of law or equity;
- 11 (3) To acquire, hold, sell, dispose of and convey real and personal property; and to
12 mortgage, pledge, or lease any real or personal property in the exercise of the powers granted
13 herein; provided, however, that such leasing activities are limited to the extent permitted a
14 federal association;
- 15 (4) To borrow from sources, individual or corporate. All such loans and advances
16 may be secured by property of the association, and may be evidenced by such notes, bonds,
17 debentures, or other obligations or securities as the director of the division of finance may
18 authorize for all associations;
- 19 (5) To obtain and maintain insurance of its accounts by the Federal Deposit Insurance
20 Corporation or any successor thereto, or by any agency of this state insuring accounts in
21 associations, or by any other insurer approved by the director of the division of finance, and
22 may comply with conditions necessary to obtain and maintain such insurance;
- 23 (6) To qualify as and become a member of a Federal Home Loan Bank;
- 24 (7) In addition to the powers and authorities granted in this section, the director of the
25 division of finance may, from time to time, with the approval of the state banking and savings
26 and loan board, issue regulations granting such other powers and authorities as have been
27 granted to federal associations subject to the supervision of the Office of Thrift Supervision or
28 any successor thereto which are necessary to enable associations to compete. The regulations
29 shall be promulgated as provided in this chapter and shall not be inconsistent with the
30 constitution and laws of this state;
- 31 (8) To appoint officers, agents, and employees as its business shall require and to
32 provide them suitable compensation; to enter into employment contracts not to exceed five
33 years in duration; to provide for life, health and casualty insurance for officers, employees
34 and directors who are not officers, and to adopt and operate reasonable bonus plans,
35 retirement benefits and deferred compensation plans for such officers and employees; to
36 adopt and operate stock option and similar incentive compensation programs by capital stock

37 associations; and to provide for indemnification of its officers, employees and directors as
38 prescribed or permitted by sections 369.010 to 369.369 whether by insurance or otherwise;

39 (9) To become a member of, deal with, or make reasonable payments or contributions
40 to any organization to the extent that such organization assists in furthering or facilitating the
41 association's purposes, powers or community responsibilities, and to comply with any
42 reasonable conditions of eligibility;

43 (10) To sell money orders, travel checks and similar instruments drawn by it on its
44 commercial bank accounts, accounts it has with the district Federal Home Loan Bank or as
45 agent for any organization empowered to sell such instruments through agents within the
46 state;

47 (11) When an association is a member of a Federal Home Loan Bank, to act as fiscal
48 agent of the United States, and, when so designated by the Secretary of the Treasury, to
49 perform, under such regulations as the Secretary may prescribe, all such reasonable duties as
50 fiscal agents for the United States as the Secretary may require; and to act as agent for any
51 instrumentality of the United States and as agent of this state or any instrumentality thereof;

52 (12) To service loans and investments for others;

53 (13) When an association is insured, to act as trustee of any trust created or organized
54 in the United States and forming part of a stock bonus, pension, or profit-sharing plan which
55 qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue
56 Code of 1954 as amended, if the funds of such trust are invested only in accounts or deposits
57 in such association or in obligations or securities issued by such association. All funds held in
58 such fiduciary capacity by any such association may be commingled for appropriate purposes
59 of investment, but individual records shall be kept by the fiduciary for each participant and
60 shall show in proper detail all transactions engaged in under the authority of this subdivision;

61 (14) To act as agent for others in any transaction incidental to the operation of its
62 business;

63 (15) To accept deposits, and to lend and invest its funds as provided in sections
64 369.010 to 369.369;

65 (16) To use abbreviations, words or symbols in connection with any document of any
66 nature and on checks, proxies, notices and other instruments, which abbreviations, words, or
67 symbols shall have the same force and legal effect as though the respective words and phrases
68 for which they stand were set forth in full;

69 (17) To act as custodian or keeper of microfilm records of other savings associations
70 or place microfilm records of the association for storage and safekeeping with another
71 association;

72 (18) To make donations in reasonable amounts for the public welfare or for
73 charitable, scientific, religious, or educational purposes;

74 (19) To act as agent for any electric, gas, water, telephone or other public utility
75 company operating within this state in receiving moneys due such company for utility
76 services furnished by such company;

77 (20) To enter into agreements with others to supply data processing services and for
78 the use of data processing equipment owned or controlled by the association; **and**

79 (21) **To receive the savings of, make loans to, deposit the funds of, and invest**
80 **funds of customers who operate as a facility licensed or certified under Article XIV,**
81 **Section 1 of the Constitution of Missouri or as a business licensed under sections**
82 **196.3000 to 196.3048. No association acting in accordance with this subdivision shall be**
83 **liable under state law for contracting with a facility licensed or certified under Article**
84 **XIV, Section 1 of the Constitution of Missouri or a business licensed under sections**
85 **196.3000 to 196.3048.**

369.326. 1. The division of finance shall not prohibit, penalize, take any adverse
2 **action against, or otherwise discourage an association from providing financial services**
3 **to a facility licensed or certified under Article XIV, Section 1 of the Constitution of**
4 **Missouri or to any service provider to such a facility or to a business licensed under**
5 **sections 196.3000 to 196.3048.**

6 **2. Nothing in this chapter shall require an association to provide financial**
7 **services to a facility licensed or certified under Article XIV, Section 1 of the Constitution**
8 **of Missouri or to any service provider to such a facility or to a business licensed under**
9 **sections 196.3000 to 196.3048.**

10 **3. Nothing in this chapter shall be construed in any way as limiting or otherwise**
11 **restricting the general examination, supervisory, or enforcement authority of the**
12 **division of finance over any association, provided that the basis for any examination or**
13 **supervisory or enforcement action is not solely the provision of financial services to a**
14 **facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri**
15 **or to any service provider to such a facility or to a business licensed under sections**
16 **196.3000 to 196.3048.**

17 **4. As used in this section, the following terms mean:**

18 **(1) "Financial services", receiving the savings of, making loans to, depositing the**
19 **funds of, or investing funds;**

20 **(2) "Service provider", a business, organization, person, or entity that:**

21 **(a) Sells goods or services to an entity; or**

22 **(b) Provides any business services including, but not limited to, the sale or lease**
23 **of real property or other property; accounting, legal, or other licensed services; or other**
24 **ancillary service, to an entity.**

370.064. 1. The division of credit unions shall not prohibit, penalize, take any adverse action against, or otherwise discourage a credit union from providing financial services to a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri or to any service provider to such a facility or to a business licensed under sections 196.3000 to 196.3048.

2. Nothing in this chapter shall require a credit union to provide financial services to a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri or to any service provider to such a facility or to a business licensed under sections 196.3000 to 196.3048.

3. Nothing in this chapter shall be construed in any way as limiting or otherwise restricting the general examination, supervisory, or enforcement authority of the division of credit unions over any credit union, provided that the basis for any examination or supervisory or enforcement action is not solely the provision of financial services to a facility licensed or certified under Article XIV, Section 1 of the Constitution of Missouri or to any service provider to such a facility or to a business licensed under sections 196.3000 to 196.3048.

4. As used in this section, the following terms mean:

(1) "Financial services", receiving the savings of, making loans to, depositing the funds of, or investing funds;

(2) "Service provider", a business, organization, person, or entity that:

(a) Sells goods or services to an entity; or

(b) Provides any business services including, but not limited to, the sale or lease of real property or other property; accounting, legal, or other licensed services; or other ancillary service, to an entity.

370.070. A credit union has the following powers:

(1) To receive the savings of its members in payment for shares; and in addition to membership shares and general shares, there may also be created various classes of special shares, which special shares, notwithstanding any other provisions of this chapter, may be issued upon such terms, rates of interest and conditions as the board of directors may provide;

(2) To make loans to members;

(3) To deposit its funds and purchase certificates of deposit in state and national banks;

(4) To invest its funds in securities as provided in this chapter. The funds of the credit union shall be used first, however, for loans to members in the way and manner hereinafter provided, and preference shall be given to the small loan in the event the available funds do not permit all loans which have been approved by the credit committee;

13 (5) To purchase, hold and dispose of property, real and personal, necessary and
14 incidental to its operation. Any property, real or personal, not used in the business but
15 acquired by way of pledge or foreclosure in the collection of loans or accounts, may be held
16 by the credit union, provided any real estate so acquired shall be sold by it within six years
17 from the date on which it was acquired;

18 (6) To purchase insurance for the benefit of the credit union and its members;

19 (7) To make contracts, sue and be sued;

20 (8) With the approval of the director of the division of credit unions, to make loans to
21 other credit unions, in the total amount not exceeding twenty percent of its capital, surplus
22 and reserve funds;

23 (9) To provide for such special thrift accounts on such terms and conditions as the
24 board of directors may determine not inconsistent with the bylaws;

25 (10) With the prior approval of the director of the division of credit unions, to provide
26 to members fiscal and financial services, including temporary services to bona fide members
27 of other credit unions, and to exercise such other incidental powers as are granted to general
28 business corporations organized under the laws of this state, including such powers as are
29 convenient or useful to enable it to promote and carry on most effectively its purposes, and all
30 at a fee to be determined by the board of directors;

31 (11) To participate with another lender or other lenders in making loans. Such loans
32 may be made on a secured or unsecured basis upon such terms and conditions as the board of
33 directors of the credit union shall authorize;

34 (12) To purchase from or sell to other lenders or holders of loans any loan or loan
35 participation interest in loans made by another lender;

36 (13) To lend, in an amount not to exceed two percent of the shares and deposits of the
37 credit union, to any credit union association of which the credit union is a member or any
38 subsidiary of such credit union association; **and**

39 **(14) To receive the savings of, make loans to, deposit the funds of, and invest**
40 **funds of members who operate as a facility licensed or certified under Article XIV,**
41 **Section 1 of the Constitution of Missouri or as a business licensed under sections**
42 **196.3000 to 196.3048. No credit union acting in accordance with this subdivision shall**
43 **be liable under state law for contracting with a facility licensed or certified under**
44 **Article XIV, Section 1 of the Constitution of Missouri or a business licensed under**
45 **sections 196.3000 to 196.3048.**

2 **557.059. 1. Any conviction, remaining sentence, ongoing supervision, or unpaid**
3 **court-ordered restitution of any person who on August 28, 2022, is or will be serving a**
4 **sentence of incarceration, probation, parole, or other form of community supervision as**
5 **a result of the person's conviction of an offense or municipal violation involving a**

5 **nonviolent marijuana-related offense or violation that was committed prior to obtaining**
6 **a patient identification card under Article XIV, Section 1 of the Constitution of**
7 **Missouri, or prior to the enactment of sections 196.3000 to 196.3048 may have the**
8 **conviction, remaining sentence, ongoing supervision, or unpaid court-ordered**
9 **restitution vacated if the person files a petition in the court in which the person was**
10 **convicted of the offense or violation.**

11 **2. If the court determines, after hearing, that a person has been issued a patient**
12 **identification card under Article XIV, Section 1 of the Constitution of Missouri or was**
13 **convicted of an offense or municipal violation that is no longer an offense or violation**
14 **because of the enactment of sections 196.3000 to 196.3048, the offense or municipal**
15 **violation is a nonviolent marijuana-related offense, and the offense or municipal**
16 **violation occurred within the state of Missouri prior to the issuance of the patient**
17 **identification card or the enactment of sections 196.3000 to 196.3048, the court may**
18 **enter an order vacating the conviction, remaining sentence, ongoing supervision, or**
19 **unpaid court-ordered restitution.**

20 **3. The department, in conjunction with the division of workforce development,**
21 **shall establish a six-week work training program for any person subject to this section.**
22 **The work training program shall train and educate the person for workforce entry into**
23 **the marijuana industry.**

577.001. As used in this chapter, the following terms mean:

- 2 (1) "Aggravated offender", a person who has been found guilty of:
- 3 (a) Three or more intoxication-related traffic offenses committed on separate
4 occasions; or
- 5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
6 where at least one of the intoxication-related traffic offenses is an offense committed in
7 violation of any state law, county or municipal ordinance, any federal offense, or any military
8 offense in which the defendant was operating a vehicle while intoxicated and another person
9 was injured or killed;
- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
- 11 (a) Three or more intoxication-related boating offenses; or
- 12 (b) Two or more intoxication-related boating offenses committed on separate
13 occasions where at least one of the intoxication-related boating offenses is an offense
14 committed in violation of any state law, county or municipal ordinance, any federal offense,
15 or any military offense in which the defendant was operating a vessel while intoxicated and
16 another person was injured or killed;

17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively
18 for off-highway use, with an unladen dry weight of one thousand five hundred pounds or less,
19 traveling on three, four or more nonhighway tires, with either:

20 (a) A seat designed to be straddled by the operator, or with a seat designed to carry
21 more than one person, and handlebars for steering control; or

22 (b) A width of fifty inches or less, measured from outside of tire rim to outside of tire
23 rim, regardless of seating or steering arrangement;

24 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court,
25 but not any juvenile court or treatment court;

26 (5) "Chronic offender", a person who has been found guilty of:

27 (a) Four or more intoxication-related traffic offenses committed on separate
28 occasions; or

29 (b) Three or more intoxication-related traffic offenses committed on separate
30 occasions where at least one of the intoxication-related traffic offenses is an offense
31 committed in violation of any state law, county or municipal ordinance, any federal offense,
32 or any military offense in which the defendant was operating a vehicle while intoxicated and
33 another person was injured or killed; or

34 (c) Two or more intoxication-related traffic offenses committed on separate occasions
35 where both intoxication-related traffic offenses were offenses committed in violation of any
36 state law, county or municipal ordinance, any federal offense, or any military offense in which
37 the defendant was operating a vehicle while intoxicated and another person was injured or
38 killed;

39 (6) "Chronic boating offender", a person who has been found guilty of:

40 (a) Four or more intoxication-related boating offenses; or

41 (b) Three or more intoxication-related boating offenses committed on separate
42 occasions where at least one of the intoxication-related boating offenses is an offense
43 committed in violation of any state law, county or municipal ordinance, any federal offense,
44 or any military offense in which the defendant was operating a vessel while intoxicated and
45 another person was injured or killed; or

46 (c) Two or more intoxication-related boating offenses committed on separate
47 occasions where both intoxication-related boating offenses were offenses committed in
48 violation of any state law, county or municipal ordinance, any federal offense, or any military
49 offense in which the defendant was operating a vessel while intoxicated and another person
50 was injured or killed;

51 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or
52 transdermal alcohol concentration levels and tampering attempts at least once every hour,
53 regardless of the location of the person who is being monitored, and regularly transmitting the

54 data. Continuous alcohol monitoring shall be considered an electronic monitoring service
55 under subsection 3 of section 217.690;

56 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I
57 to V listed in section 195.017;

58 (9) "Drive", "driving", "operates" or "operating", physically driving or operating a
59 vehicle or vessel;

60 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and
61 flight navigators;

62 (11) "Habitual offender", a person who has been found guilty of:

63 (a) Five or more intoxication-related traffic offenses committed on separate
64 occasions; or

65 (b) Four or more intoxication-related traffic offenses committed on separate
66 occasions where at least one of the intoxication-related traffic offenses is an offense
67 committed in violation of any state law, county or municipal ordinance, any federal offense,
68 or any military offense in which the defendant was operating a vehicle while intoxicated and
69 another person was injured or killed; or

70 (c) Three or more intoxication-related traffic offenses committed on separate
71 occasions where at least two of the intoxication-related traffic offenses were offenses
72 committed in violation of any state law, county or municipal ordinance, any federal offense,
73 or any military offense in which the defendant was operating a vehicle while intoxicated and
74 another person was injured or killed;

75 (12) "Habitual boating offender", a person who has been found guilty of:

76 (a) Five or more intoxication-related boating offenses; or

77 (b) Four or more intoxication-related boating offenses committed on separate
78 occasions where at least one of the intoxication-related boating offenses is an offense
79 committed in violation of any state law, county or municipal ordinance, any federal offense,
80 or any military offense in which the defendant was operating a vessel while intoxicated and
81 another person was injured or killed; or

82 (c) Three or more intoxication-related boating offenses committed on separate
83 occasions where at least two of the intoxication-related boating offenses were offenses
84 committed in violation of any state law, county or municipal ordinance, any federal offense,
85 or any military offense in which the defendant was operating a vessel while intoxicated and
86 another person was injured or killed; or

87 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

88 a. Cause the death of any person not a passenger in the vessel operated by the
89 defendant, including the death of an individual that results from the defendant's vessel leaving
90 the water; or

91 b. Cause the death of two or more persons; or

92 c. Cause the death of any person while he or she has a blood alcohol content of at
93 least eighteen-hundredths of one percent by weight of alcohol in such person's blood;

94 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
95 alcohol, **marijuana or a marijuana product**, a controlled substance, or drug, or any
96 combination thereof;

97 (14) "Intoxication-related boating offense", operating a vessel while intoxicated;
98 boating while intoxicated; operating a vessel with excessive blood alcohol content or an
99 offense in which the defendant was operating a vessel while intoxicated and another person
100 was injured or killed in violation of any state law, county or municipal ordinance, any federal
101 offense, or any military offense;

102 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
103 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation
104 of a state law, county or municipal ordinance, any federal offense, or any military offense, or
105 an offense in which the defendant was operating a vehicle while intoxicated and another
106 person was injured or killed in violation of any state law, county or municipal ordinance, any
107 federal offense, or any military offense;

108 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
109 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
110 operations on a federal military installation under military jurisdiction in the state of
111 Missouri;

112 (17) "Operate a vessel", to physically control the movement of a vessel in motion
113 under mechanical or sail power in water;

114 (18) "Persistent offender", a person who has been found guilty of:

115 (a) Two or more intoxication-related traffic offenses committed on separate
116 occasions; or

117 (b) One intoxication-related traffic offense committed in violation of any state law,
118 county or municipal ordinance, federal offense, or military offense in which the defendant
119 was operating a vehicle while intoxicated and another person was injured or killed;

120 (19) "Persistent boating offender", a person who has been found guilty of:

121 (a) Two or more intoxication-related boating offenses committed on separate
122 occasions; or

123 (b) One intoxication-related boating offense committed in violation of any state law,
124 county or municipal ordinance, federal offense, or military offense in which the defendant
125 was operating a vessel while intoxicated and another person was injured or killed;

126 (20) "Prior offender", a person who has been found guilty of one intoxication-related
127 traffic offense, where such prior offense occurred within five years of the occurrence of the
128 intoxication-related traffic offense for which the person is charged;

129 (21) "Prior boating offender", a person who has been found guilty of one intoxication-
130 related boating offense, where such prior offense occurred within five years of the occurrence
131 of the intoxication-related boating offense for which the person is charged.

579.015. 1. A person commits the offense of possession of a controlled substance if
2 he or she knowingly possesses a controlled substance, except as authorized by this chapter or
3 chapter 195.

4 2. The offense of possession of any controlled substance except thirty-five grams or
5 less of [~~marijuana or~~] any synthetic cannabinoid is a class D felony.

6 3. The offense of possession of more than ten grams but thirty-five grams or less of
7 [~~marijuana or~~] any synthetic cannabinoid is a class A misdemeanor.

8 4. The offense of possession of not more than ten grams of [~~marijuana or~~] any
9 synthetic cannabinoid is a class D misdemeanor. If the defendant has previously been found
10 guilty of any offense of the laws related to controlled substances of this state, or of the United
11 States, or any state, territory, or district, the offense is a class A misdemeanor. Prior findings
12 of guilt shall be pleaded and proven in the same manner as required by section 558.021.

13 5. In any complaint, information, or indictment, and in any action or proceeding
14 brought for the enforcement of any provision of this chapter or chapter 195, it shall not be
15 necessary to include any exception, excuse, proviso, or exemption contained in this chapter or
16 chapter 195, and the burden of proof of any such exception, excuse, proviso or exemption
17 shall be upon the defendant.

579.020. 1. A person commits the offense of delivery of a controlled substance if,
2 except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly distributes or delivers a controlled substance;

4 (2) Attempts to distribute or deliver a controlled substance;

5 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver
6 any amount of a controlled substance; or

7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
8 substances.

9 2. Except when the controlled substance is thirty-five grams or less of [~~marijuana or~~]
10 synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense
11 of delivery of a controlled substance is a class C felony.

12 3. Except as otherwise provided under subsection 4 of this section, the offense of
13 delivery of thirty-five grams or less of [~~marijuana or~~] synthetic cannabinoid is a class E
14 felony.

15 4. The offense of delivery of thirty-five grams or less of [~~marijuana or~~] synthetic
16 cannabinoid to a person less than seventeen years of age who is at least two years younger
17 than the defendant is a class C felony.

18 5. The offense of delivery of a controlled substance is a class B felony if:

19 (1) The delivery or distribution is any amount of a controlled substance except thirty-
20 five grams or less of [~~marijuana or~~] synthetic cannabinoid, to a person less than seventeen
21 years of age who is at least two years younger than the defendant; or

22 (2) The person knowingly permits a minor to purchase or transport illegally obtained
23 controlled substances.

 579.030. 1. A person commits the offense of distribution of a controlled substance in
2 a protected location if he or she knowingly distributes, sells, or delivers any controlled
3 substance, except thirty-five grams or less of [~~marijuana or~~] synthetic cannabinoid, to a
4 person with knowledge that that distribution, delivery, or sale is:

5 (1) In, on, or within two thousand feet of, the real property comprising a public or
6 private elementary, vocational, or secondary school, or on any school bus; or

7 (2) In, on, or within one thousand feet of, the real property comprising a public park,
8 state park, county park, municipal park, or private park designed for public recreational
9 purposes, as park is defined in section 253.010; or

10 (3) In or on the real property comprising public housing or other governmental
11 assisted housing.

12 2. The offense of unlawful distribution of a controlled substance in a protected
13 location is a class A felony.

 579.055. 1. A person commits the offense of manufacture of a controlled substance
2 if, except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly manufactures, produces, or grows a controlled substance;

4 (2) Attempts to manufacture, produce, or grow a controlled substance; or

5 (3) Knowingly possesses a controlled substance with the intent to manufacture,
6 produce, or grow any amount of controlled substance.

7 2. The offense of manufacturing or attempting to manufacture any amount of
8 controlled substance is a class B felony when committed within two thousand feet of the real
9 property comprising a public or private elementary, vocational, or secondary school,
10 community college, college, or university. It is a class A felony if a person has suffered
11 serious physical injury or has died as a result of a fire or explosion started in an attempt by the
12 defendant to produce methamphetamine.

13 3. The offense of manufacturing or attempting to manufacture any amount of a
14 controlled substance, except thirty-five grams or less of [~~marijuana or~~] synthetic cannabinoid,
15 is a class C felony.

16 4. The offense of manufacturing thirty-five grams or less of [~~marijuana or~~] synthetic
17 cannabinoid is a class E felony.

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,
3 delivers, manufactures, **or** produces or attempts to distribute, deliver, manufacture, or
4 produce:

5 (1) More than thirty grams of a mixture or substance containing a detectable amount
6 of heroin;

7 (2) More than one hundred fifty grams of a mixture or substance containing a
8 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
9 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
10 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
11 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
12 any quantity of any of the foregoing substances;

13 (3) More than eight grams of a mixture or substance described in subdivision (2) of
14 this subsection which contains cocaine base;

15 (4) More than five hundred milligrams of a mixture or substance containing a
16 detectable amount of lysergic acid diethylamide (LSD);

17 (5) More than thirty grams of a mixture or substance containing a detectable amount
18 of phencyclidine (PCP);

19 (6) More than four grams of phencyclidine;

20 (7) [~~More than thirty kilograms of a mixture or substance containing marijuana;~~

21 ~~(8)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
22 containing any quantity of the following substances having a stimulant effect on the central
23 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
24 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
25 and its salts; or methylphenidate;

26 [~~(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
27 which contains any quantity of 3,4-methylenedioxymethamphetamine;

28 [~~(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

29 [~~(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

30 [~~(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative
31 thereof, or any combination thereof, or any compound, mixture, or substance containing a
32 detectable amount of fentanyl or carfentanil, 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
39 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
40 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
41 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
42 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
43 any quantity of 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;~~
52 ~~or~~

53 ~~(8)~~ (8) Ninety grams or more of any material, compound, mixture, or preparation
54 containing any quantity of the following substances having a stimulant effect on the central
55 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
56 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
57 and its salts; or methylphenidate; or

58 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
59 containing any quantity of the following substances having a stimulant effect on the central
60 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
61 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
62 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
63 of real property comprising a public or private elementary, vocational, or secondary school,
64 college, community college, university, or any school bus, in or on the real property
65 comprising public housing or any other governmental assisted housing, or within a motor
66 vehicle, or in any structure or building which contains rooms furnished for the
67 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
68 the public as a place where sleeping accommodations are sought for pay or compensation to
69 transient guests or permanent guests; or

70 ~~[(10)]~~ (9) Ninety grams or more of any material, compound, mixture or preparation
71 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

72 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
73 preparation which contains any quantity of 3,4-methylenedioxymethamphetamine and the
74 location of the offense was within two thousand feet of real property comprising a public or
75 private elementary, vocational, or secondary school, college, community college, university,
76 or any school bus, in or on the real property comprising public housing or any other
77 governmental assisted housing, within a motor vehicle, or in any structure or building which
78 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
79 maintained, advertised, or held out to the public as a place where sleeping accommodations
80 are sought for pay or compensation to transient guests or permanent guests; or

81 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

82 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
83 offense; or

84 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
85 thereof, or any combination thereof, or any compound, mixture, or substance containing a
86 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

579.068. 1. A person commits the offense of trafficking drugs in the second degree
2 if, except as authorized by this chapter or chapter 195, such person knowingly possesses or
3 has under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

6 (2) More than one hundred fifty grams of a mixture or substance containing a
7 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
8 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
9 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
10 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
11 any quantity of any of the foregoing substances;

12 (3) More than eight grams of a mixture or substance described in subdivision (2) of
13 this subsection which contains cocaine base;

14 (4) More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams of a mixture or substance containing a detectable amount
17 of phencyclidine (PCP);

18 (6) More than four grams of phencyclidine;

19 (7) ~~More than thirty kilograms of a mixture or substance containing marijuana;~~

20 ~~(8)~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ **(9)** More than ten milligrams of fentanyl or carfentanil, or any derivative
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

30 2. The offense of trafficking drugs in the second degree is a class C felony.

31 3. The offense of trafficking drugs in the second degree is a class B felony if the
32 quantity involved is:

33 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
34 heroin; or

35 (2) Four hundred fifty grams or more of a mixture or substance containing a
36 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
37 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
38 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
39 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
40 any quantity of any of the foregoing substances; or

41 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
42 of this subsection which contains cocaine base; or

43 (4) One gram or more of a mixture or substance containing a detectable amount of
44 lysergic acid diethylamide (LSD); or

45 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
46 phencyclidine (PCP); or

47 (6) Twelve grams or more of phencyclidine; or

48 (7) ~~[One hundred kilograms or more of a mixture or substance containing marijuana;~~

49 ~~or~~

50 ~~(8) More than five hundred marijuana plants; or~~

51 ~~(9)]~~ **(9)** Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ **(8)** Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(H)]~~ (9) Twenty milligrams or more of fentanyl or carfentanil, or any derivative
60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

62 4. The offense of trafficking drugs in the second degree is a class A felony if the
63 quantity involved is four hundred fifty grams or more of any material, compound, mixture or
64 preparation which contains:

65 (1) Any quantity of the following substances having a stimulant effect on the central
66 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
67 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
68 methylphenidate; or

69 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

70 5. The offense of drug trafficking in the second degree is a class C felony for the first
71 offense and a class B felony for any second or subsequent offense for the trafficking of less
72 than one gram of flunitrazepam.

 579.105. 1. A person commits the offense of keeping or maintaining a public
2 nuisance if he or she knowingly keeps or maintains:

3 (1) Any room, building, structure or inhabitable structure, as defined in section
4 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any
5 amount of a controlled substance, except ~~[thirty-five grams or less of marijuana or]~~ thirty-five
6 grams or less of any synthetic cannabinoid; or

7 (2) Any room, building, structure or inhabitable structure, as defined in section
8 556.061, where on three or more separate occasions within the period of a year, two or more
9 persons, who were not residents of the room, building, structure, or inhabitable structure,
10 gathered for the principal purpose of unlawfully ingesting, injecting, inhaling, or using any
11 amount of a controlled substance, except ~~[thirty-five grams or less of marijuana or]~~ thirty-five
12 grams or less of any synthetic cannabinoid.

13 2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit
14 attorney may by information or indictment charge the owner or the occupant, or both the
15 owner and the occupant of the room, building, structure, or inhabitable structure with the
16 offense of keeping or maintaining a public nuisance.

17 3. The offense of keeping or maintaining a public nuisance is a class E felony.

18 4. Upon the conviction of the owner pursuant to this section, the room, building,
19 structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

610.135. 1. Notwithstanding any other provision of law, any person who was
2 **convicted of a nonviolent marijuana-related offense, that was originally charged as such**
3 **and not reduced by plea agreement, or municipal violation prior to obtaining a patient**
4 **identification card under Article XIV, Section 1 of the Constitution of Missouri or prior**

5 to the enactment of sections 196.3000 to 196.3048 and has not been convicted of any
6 subsequent drug-related offense for a period of ten years may petition the court to have
7 the nonviolent marijuana-related offense or municipal violation expunged so long as the
8 offense or violation was prosecuted under the jurisdiction of a Missouri associate circuit
9 or circuit court or municipal court and all nonviolent marijuana-related offenses are
10 listed in the petition of expungement.

11 2. If the court determines, after hearing, that a person has been issued a patient
12 identification card or was convicted of a nonviolent marijuana-related offense or
13 municipal violation that is no longer an offense or violation because of the enactment of
14 sections 196.3000 to 196.3048, the offense seeking to be expunged is related to the
15 nonviolent marijuana-related offense or violation, and the offense or violation occurred
16 within the state of Missouri, the court may enter an order for expungement.

17 3. A petition for expungement under this section may be made at any time,
18 provided such offense or violation occurred within the state of Missouri prior to the
19 issuance of a patient identification card or prior to the enactment of sections 196.3000 to
20 196.3048.

21 4. Upon the court's granting the order of expungement under this section, the
22 records and files maintained in any court proceeding in an associate or a circuit division
23 of the circuit court or in a municipal court under this section shall be confidential and
24 available only to the parties or by order of the court for good cause shown. The effect of
25 expungement under this section shall be to restore such person to the status he or she
26 occupied prior to such arrest, plea, or conviction and as if such event had never taken
27 place. If expungement under this section has been ordered, no such person shall be held
28 thereafter under any provision of any law to be guilty of perjury or otherwise giving a
29 false statement by reason of his or her failure to recite or acknowledge such arrest, plea,
30 trial, conviction, or expungement in response to any inquiry made of him or her for any
31 purpose, and no such inquiry shall be made for information relating to an expungement
32 under this section.

33 5. The provisions of this section shall not be construed to authorize expungement
34 of any conviction or plea of guilty for any offense committed by a commercial driver's
35 license holder that shall result in a violation of 49 CFR 384.226, as amended, or an
36 offense committed by a person while operating a commercial motor vehicle in violation
37 of 49 CFR 391.15.

Section 1. 1. Any person or entity, either licensed or unlicensed, under sections
2 196.3000 to 196.3048, or his or her employee, who sells, vends, gives away, or otherwise
3 supplies marijuana or any marijuana accessory or marijuana product to any person
4 under twenty-one years of age shall be deemed guilty of a misdemeanor; except that,

5 this section shall not apply to the administering of marijuana or marijuana-infused
6 products to a person under twenty-one years of age as provided under Article XIV,
7 Section 1 of the Constitution of Missouri. No person shall be denied a license or renewal
8 of a license issued under sections 196.3000 to 196.3048 solely due to a conviction for
9 unlawful sale or supply of marijuana, marijuana accessories, or marijuana products to
10 a minor when serving in the capacity as an employee of a licensed establishment.

11 2. Any owner, occupant, or other person or legal entity with a lawful right to the
12 exclusive use and enjoyment of any property who knowingly allows a person under
13 twenty-one years of age to possess or use marijuana or marijuana products or
14 knowingly fails to stop a person under twenty-one years of age from possessing or using
15 marijuana or marijuana products on such property is guilty of a class B misdemeanor.
16 Any second or subsequent violation of this subsection is a class A misdemeanor. The
17 provisions of this subsection shall not apply if the person under twenty-one years of age
18 is able to possess or use marijuana or marijuana-infused products under Article XIV,
19 Section 1 of the Constitution of Missouri.

20 3. It shall be a defense to prosecution under this section if:

21 (1) The defendant is a licensed marijuana retailer or an employee thereof;

22 (2) The defendant sold the marijuana or marijuana product to the minor with
23 reasonable cause to believe that the minor was twenty-one years of age or older; and

24 (3) To purchase the marijuana or marijuana product, the person exhibited to the
25 defendant a driver's license, Missouri nondriver's identification card, or other official or
26 apparently official document containing a photograph of the minor and purporting to
27 establish that such minor was twenty-one years of age and of the legal age for the
28 possession or use of marijuana or a marijuana product.

Section 2. 1. Any person who is seventeen years of age or older and under
2 twenty-one years of age who represents that he or she has attained twenty-one years of
3 age for the purpose of purchasing, asking for, or in any way receiving marijuana or any
4 marijuana product, except in cases authorized by law, shall upon conviction be deemed
5 guilty of a misdemeanor. Any person under seventeen years of age who represents that
6 he or she is twenty-one years of age for the purpose of purchasing, asking for, or in any
7 way receiving marijuana or any marijuana product, except in cases authorized by law,
8 may be considered a delinquent child and may be dealt with in accordance with the
9 provisions of chapter 211.

10 2. In addition to any other penalties established under subsection 1 of this
11 section, any person who is under twenty-one years of age who uses a reproduced,
12 modified, or altered chauffeur's license, motor vehicle operator's license, identification
13 card issued by any uniformed service of the United States, passport, or identification

14 card established in section 302.181 for the purpose of purchasing, asking for, or in any
15 way receiving marijuana or any marijuana product shall be guilty of a misdemeanor
16 and shall be subject to a fine of five hundred dollars for each separate offense.

Section 3. Any person under twenty-one years of age who purchases or attempts
2 to purchase, or has in his or her possession, any marijuana or marijuana product as
3 defined in section 650.700, or who is visibly in an intoxicated condition as defined in
4 section 577.001, is guilty of a misdemeanor unless such person is able to purchase or
5 possess marijuana or a marijuana-infused product under Article XIV, Section 1 of the
6 Constitution of Missouri. A first violation of this section shall be punishable as a class D
7 misdemeanor. A second or subsequent violation of this section shall be punishable as a
8 class A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same
9 manner as required by section 558.021.

Section 4. 1. A valid and unexpired operator's or chauffeur's license issued
2 under the provisions of section 302.177, a valid and unexpired operator's or chauffeur's
3 license issued under the laws of any state or territory of the United States to residents of
4 such states or territories, a valid and unexpired identification card or nondriver's
5 license as provided for under section 302.181, a valid and unexpired nondriver's license
6 issued under the laws of any state or territory of the United States to residents of such
7 states or territories, a valid and unexpired identification card issued by any uniformed
8 service of the United States, or a valid and unexpired passport shall be presented by the
9 holder thereof upon request of any agent of the division of alcohol and tobacco control
10 or any licensee or the servant, agent, or employee thereof for the purpose of aiding the
11 licensee or the servant, agent, or employee to determine whether the person is twenty-
12 one years of age or older when such person desires to purchase or use marijuana or a
13 marijuana product procured from a licensee. Upon such presentation, the licensee or
14 the servant, agent, or employee thereof shall compare the photograph and physical
15 characteristics noted on the license, identification card, or passport with the physical
16 characteristics of the person presenting the license, identification card, or passport.

17 2. Upon proof of full compliance by the licensee with the provisions of this
18 section, no penalty shall be imposed if the supervisor of the division of alcohol and
19 tobacco control or the courts are satisfied that the licensee acted in good faith.

20 3. Any person who shall, without authorization from the department of revenue,
21 reproduce, alter, modify, or misrepresent any chauffeur's license, motor vehicle
22 operator's license, or identification card shall be deemed guilty of a misdemeanor and
23 upon conviction shall be subject to a fine of not more than one thousand dollars or
24 confinement for not more than one year, or both.