

FIRST REGULAR SESSION

HOUSE BILL NO. 644

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALKER, VILLA AND LOWE (Co-sponsors).

Read 1st time March 11, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1999L.011

AN ACT

To repeal sections 195.017 and 263.250, RSMo, and to enact in lieu thereof nine new sections relating to the use for marijuana for medicinal purposes, with penalty provisions and a referendum clause.

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

Section A. Sections 195.017 and 263.250, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 195.017, 195.550, 195.553, 195.556, 195.559, 195.562, 195.565, 195.568, and 263.250, to read as follows:

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

(1) Has high potential for abuse; and

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

2. Schedule I:

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

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

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

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

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

- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

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

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Myrophine;

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

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

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

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

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

164 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
165 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
166 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:

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

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

186 (c) Opium poppy and poppy straw;

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

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

193 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
194 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within

- 195 the specific chemical designation, dextrophan and levopropoxyphene excepted:
- 196 (a) Alfentanil;
- 197 (b) Alphaprodine;
- 198 (c) Anileridine;
- 199 (d) Bezitramide;
- 200 (e) Bulk Dextropropoxyphene;
- 201 (f) Carfentanil;
- 202 (g) Butyl nitrite;
- 203 (h) Dihydrocodeine;
- 204 (i) Diphenoxylate;
- 205 (j) Fentanyl;
- 206 (k) Isomethadone;
- 207 (l) Levo-alphacetylmethadol;
- 208 (m) Levomethorphan;
- 209 (n) Levorphanol;
- 210 (o) Metazocine;
- 211 (p) Methadone;
- 212 (q) Meperidine;
- 213 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 214 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
- 215 acid;
- 216 (t) Pethidine;
- 217 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 218 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 219 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 220 (x) Phenazocine;
- 221 (y) Piminodine;
- 222 (z) Racemethorphan;
- 223 (aa) Racemorphan;
- 224 (bb) Sulfentanil;
- 225 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 226 following substances having a stimulant effect on the central nervous system:
- 227 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 228 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
- 229 (c) Phenmetrazine and its salts;
- 230 (d) Methylphenidate;

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

- 235 (a) Amobarbital;
- 236 (b) Glutethimide;
- 237 (c) Pentobarbital;
- 238 (d) Phencyclidine;
- 239 (e) Secobarbital;

240 (5) Any material, compound or compound which contains any quantity of the following
241 substances:

- 242 (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
243 United States Food and Drug Administration approved drug product;
- 244 (b) Nabilone;

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

- 247 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 248 (b) Immediate precursors to phencyclidine (PCP):
 - 249 a. 1-phenylcyclohexylamine;
 - 250 b. 1-piperidinocyclohexanecarbonitrile (PCC);

251 **(7) Any material, compound, mixture, or preparation which contains any quantity**
252 **of the following substances having a depressant effect on the central nervous system,**
253 **including its salts, isomers, and salts of isomers whenever the existence of those salts,**
254 **isomers, and salts of isomers is possible within the specific chemical designation:**
255 **Marijuana.**

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

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

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

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

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

265 (1) Any material, compound, mixture, or preparation which contains any quantity of the
266 following substances having a potential for abuse associated with a stimulant effect on the

267 central nervous system:

268 (a) Benzphetamine;

269 (b) Chlorphentermine;

270 (c) Clortermine;

271 (d) Phendimetrazine;

272 (2) Any material, compound, mixture or preparation which contains any quantity or salt

273 of the following substances or salts having a depressant effect on the central nervous system:

274 (a) Any material, compound, mixture or preparation which contains any quantity or salt

275 of the following substances combined with one or more active medicinal ingredients:

276 a. Amobarbital;

277 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in

278 a drug product for which an application has been approved under Section 505 of the Federal

279 Food, Drug, and Cosmetic Act;

280 c. Secobarbital;

281 d. Pentobarbital;

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

283 a. Amobarbital;

284 b. Secobarbital;

285 c. Pentobarbital;

286 (c) Any substance which contains any quantity of a derivative of barbituric acid or its

287 salt;

288 (d) Chlorhexadol;

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

290 (f) Lysergic acid;

291 (g) Lysergic acid amide;

292 (h) Methyprylon;

293 (i) Sulfondiethylmethane;

294 (j) Sulfonethylmethane;

295 (k) Sulfonmethane;

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

297 (3) Nalorphine;

298 (4) Any material, compound, mixture, or preparation containing limited quantities of any

299 of the following narcotic drugs or their salts:

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

301 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid

302 of opium;

- 303 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
304 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
305 therapeutic amounts;
- 306 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
307 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
308 isoquinoline alkaloid of opium;
- 309 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
310 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
311 ingredients in recognized therapeutic amounts;
- 312 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
313 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
314 therapeutic amounts;
- 315 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
316 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
317 ingredients in recognized therapeutic amounts;
- 318 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
319 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
320 active nonnarcotic ingredients in recognized therapeutic amounts;
- 321 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
322 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
323 amounts;
- 324 (5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any
325 material, compound, mixture or preparation containing any quantity of the following substances,
326 including its salts, isomers and salts of isomers whenever the existence of such salts of isomers
327 is possible within the specific chemical designation:
- 328 (a) Boldenone;
- 329 (b) Chlorotestosterone (4-Chlortestosterone);
- 330 (c) Clostebol;
- 331 (d) Dehydrochlormethyltestosterone;
- 332 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 333 (f) Drostanolone;
- 334 (g) Ethylestrenol;
- 335 (h) Fluoxymesterone;
- 336 (i) Formebolone (Formebolone);
- 337 (j) Mesterolone;
- 338 (k) Methandienone;

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

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

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

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

381 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
382 propionoxybutane);

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

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

389 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
390 or per one hundred grams;

391 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
392 or per one hundred grams;

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

396 (a) Alprazolam;

397 (b) Barbital;

398 (c) Bromazepam;

399 (d) Camazepam;

400 (e) Chloral betaine;

401 (f) Chloral hydrate;

402 (g) Chlordiazepoxide;

403 (h) Clobazam;

404 (i) Clonazepam;

405 (j) Clorazepate;

406 (k) Clotiazepam;

407 (l) Cloxazolam;

408 (m) Delorazepam;

409 (n) Diazepam;

410 (o) Estazolam;

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

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

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

- 450 (a) Cathine ((+)-norpseudoephedrine);
- 451 (b) Diethylpropion;
- 452 (c) Fencamfamin;
- 453 (d) Fenproporex;
- 454 (e) Mazindol;
- 455 (f) Mefenorex;
- 456 (g) Pemoline, including organometallic complexes and chelates thereof;
- 457 (h) Phentermine;
- 458 (i) Pipradrol;
- 459 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

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

462 (6) Any material, compound, mixture or preparation which contains any quantity of the
463 following substances having a stimulant effect on the central nervous system including their
464 salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical
465 isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers,
466 or salts of optical isomers and therapeutically insignificant quantities of another active medicinal
467 ingredient;

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

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

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

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

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

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

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

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

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

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

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

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

500 11. The department of health and senior services shall revise and republish the schedules
501 annually.

195.550. As used in sections 195.550 to 195.559, the following terms mean:

2 (1) "Adequate supply", an amount of marijuana collectively possessed between the
3 qualifying patient and the qualifying patient's primary caregivers that is not more than is
4 reasonably necessary to ensure the uninterrupted availability of marijuana for the purpose
5 of alleviating the symptoms or effects of a qualifying patient's debilitating medical
6 condition; provided that an "adequate supply" shall not exceed three mature marijuana
7 plants, four immature marijuana plants, and one ounce of usable marijuana per each
8 mature plant;

9 (2) "Debilitating medical condition":

10 (a) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired
11 immune deficiency syndrome, or the treatment of these conditions;

12 (b) A chronic or debilitating disease or medical condition or its treatment that
13 produces one or more of the following: cachexia or wasting syndrome; severe pain; severe
14 nausea; anorexia; seizures, including those characteristic of epilepsy; or severe and
15 persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's
16 disease; or

17 (c) Any other medical condition or its treatment approved by the department, as

18 provided for as follows: Not later than ninety days after the effective date of sections
19 195.550 to 195.568, the department shall promulgate regulations governing the manner in
20 which it will consider petitions from the public to add debilitating medical conditions to
21 those included in sections 195.550 to 195.568, RSMo. In considering such petitions, the
22 department shall include public notice of, and an opportunity to comment in a public
23 hearing upon, such petitions. The department shall, after hearing, approve or deny such
24 petitions within one hundred eighty days of submission. The approval or denial of such
25 a petition shall be considered a final agency action, subject to judicial review;

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

27 (4) "Marijuana" shall have the same meaning as provided in section 195.017;

28 (5) "Medical use", the acquisition, possession, cultivation, use, transfer, or
29 transportation of marijuana or paraphernalia relating to the administration of marijuana
30 to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition.
31 For the purposes of "medical use", the term "transfer" is limited to the transfer of
32 marijuana and paraphernalia between primary caregivers and qualifying patients;

33 (6) "Physician", a person who is licensed pursuant to section 334.021, RSMo, and
34 is licensed with authority to prescribe drugs pursuant to section 334.021, RSMo;

35 (7) "Primary caregiver", a person who is at least eighteen years of age and who has
36 agreed to undertake responsibility for managing the well-being of a person with respect
37 to the medical use of marijuana;

38 (8) "Qualifying patient", a person who has been diagnosed by a physician as having
39 a debilitating medical condition;

40 (9) "Usable marijuana", the dried leaves and flowers of marijuana, and any
41 mixture or preparation thereof, that are appropriate for the medical use of marijuana, and
42 does not include the seeds, stalks, and roots of the plant;

43 (10) "Written certification", the qualifying patient's medical records or a statement
44 signed by a physician, stating that in the physician's professional opinion, after having
45 completed a full assessment of the qualifying patient's medical history and current medical
46 condition made in the course of a bona fide physician-patient relationship, the qualifying
47 patient has a debilitating medical condition and the potential benefits of the medical use
48 of marijuana would likely outweigh the health risks for the qualifying patient.

195.553. 1. A qualifying patient who has in his or her possession written
2 certification shall not be subject to arrest, prosecution, or penalty in any manner for the
3 medical use of marijuana, provided the quantity of marijuana does not exceed an adequate
4 supply.

5 2. Subsection 1 of this section shall not apply to a qualifying patient under the age

6 of eighteen, unless:

7 (1) The qualifying patient's physician has explained the potential risks and benefits
8 of the medical use of marijuana to the qualifying patient and to a parent, guardian, or
9 person having legal custody of the qualifying patient; and

10 (2) A parent, guardian, or person having legal custody consents in writing to:

11 (a) Allow the qualifying patient's medical use of marijuana;

12 (b) Serve as the qualifying patient's primary caregiver; and

13 (c) Control the acquisition of the marijuana, the dosage, and the frequency of the
14 medical use of marijuana by the qualifying patient.

15 3. When the acquisition, possession, cultivation, transportation, or administration
16 of marijuana by a qualifying patient is not practicable, the legal protections established by
17 sections 195.550 to 195.568 for a qualifying patient shall extend to the qualifying patient's
18 primary caregivers, provided that the primary caregivers' actions are necessary for the
19 qualifying patient's medical use of marijuana.

20 4. A physician shall not be subject to arrest or prosecution, penalized in any
21 manner, or denied any right or privilege for providing written certification for the medical
22 use of marijuana to qualifying patients.

23 5. Any property interest that is possessed, owned, or used in connection with the
24 medical use of marijuana, or acts incidental to such use, shall not be harmed, neglected,
25 injured, or destroyed while in the possession of state or local law enforcement officials,
26 provided that law enforcement agencies seizing live plants as evidence shall not be
27 responsible for the care and maintenance of marijuana plants. Any such property interest
28 shall not be forfeited under any provision of state or local law providing for the forfeiture
29 of property other than as a sentence imposed after conviction of a criminal offense or entry
30 of a plea of guilty to a criminal offense. Marijuana, paraphernalia, or other property
31 seized from a qualifying patient or primary caregivers in connection with the claimed
32 medical use of marijuana shall be returned immediately upon the determination by a court
33 or prosecutor that the qualifying patient or primary caregivers are entitled to the
34 protections of 195.550 to 195.568, as may be evidenced by a decision not to prosecute, the
35 dismissal of charges, or an acquittal.

36 6. No person shall be subject to arrest or prosecution for "constructive possession",
37 "conspiracy", or any other offense for simply being in the presence or vicinity of the
38 medical use of marijuana as permitted pursuant to sections 195.550 to 195.553.

195.556. 1. The authorization for the medical use of marijuana in sections 195.550
2 to 195.568 shall not apply to:

3 (1) The medical use of marijuana that endangers the health or well-being of

4 another person, such as driving or operating heavy machinery while under the influence
5 of marijuana;

6 (2) The smoking of marijuana:

7 (a) In a school bus, public bus, or other public vehicle;

8 (b) In the workplace of one's employment;

9 (c) On any school grounds;

10 (d) In any correctional facility; or

11 (e) At any public park, public beach, public recreation center, or youth center; and

12 (3) The use of marijuana by a qualifying patient, primary caregiver, or any other
13 person for purposes other than medical use permitted by sections 195.550 to 195.568.

14 2. Insurance companies shall not be required to cover the medical use of marijuana.

15 3. Notwithstanding any law to the contrary, fraudulent representation to a law
16 enforcement official of any fact or circumstance relating to the medical use of marijuana
17 to avoid arrest or prosecution shall be a petty misdemeanor and subject to a fine of five
18 hundred dollars. This penalty shall be in addition to any other penalties that may apply
19 for the nonmedical use of marijuana.

195.559. A person and a person's primary caregivers may assert the medical use
2 of marijuana as a defense to any prosecution involving marijuana, and such defense shall
3 be presumed valid where the evidence shows that:

4 (1) The person's medical records indicate, or a physician has stated that, in the
5 physician's professional opinion, after having completed a full assessment of the person's
6 medical history and current medical condition made in the course of a bona fide physician-
7 patient relationship, the potential benefits of the medical use of marijuana would likely
8 outweigh the health risks for the person; and

9 (2) The person and the person's primary caregivers were collectively in possession
10 of a quantity of marijuana that was not more than was reasonably necessary to ensure the
11 uninterrupted availability of marijuana for the purpose of alleviating the symptoms or
12 effects of the person's medical condition.

195.562. 1. "Registry identification card", a document issued by the department
2 that identifies a person as a qualifying patient or primary caregiver.

3 2. A qualifying patient or primary caregiver shall qualify for the legal protections
4 of section 195.556 only if the qualifying patient or primary caregiver is in possession of a
5 registry identification card.

6 3. Not later than ninety days after the effective date of sections 195.550 to 195.568,
7 the department shall promulgate regulations governing the manner in which it will
8 consider applications for registry identification cards, and for renewing registry

9 identification cards, for qualifying patients and primary caregivers.

10 4. The department shall issue registry identification cards to qualifying patients,
11 and to qualifying patients' primary caregivers, if any, who submit the following, in
12 accordance with the department's regulations:

13 (1) Written certification that the person is a qualifying patient;

14 (2) Registration fee, not to exceed twenty-five dollars per qualifying patient;

15 (3) Name, address, and date of birth of the qualifying patient;

16 (4) Name, address, and telephone number of the qualifying patient's physician; and

17 (5) Name, address, and date of birth of the qualifying patient's primary caregivers,
18 if the qualifying patient has designated any primary caregivers at the time of application.

19 5. The department shall verify the information contained in an application
20 submitted pursuant to this section, and shall approve or deny an application within thirty
21 days of receipt of the application. The department may deny an application only if the
22 applicant did not provide the information required pursuant to this section, or if the
23 department determines that the information provided was falsified. Any person whose
24 application has been denied may not reapply for six months from the date of the denial,
25 unless so authorized by the department or a court of competent jurisdiction.

26 6. The department shall issue registry identification cards within five days of
27 approving an application, which shall expire one year after the date of issuance. Registry
28 identification cards shall contain:

29 (1) The name, address, and date of birth of the qualifying patient and primary
30 caregivers, if any;

31 (2) The date of issuance and expiration date of the registry identification card; and

32 (3) Other information that the department may specify in its regulations.

33 7. A person who possesses a registry identification card shall notify the department
34 of any change in the person's name, address, qualifying patient's physician, qualifying
35 patient's primary caregiver, or change in status of the qualifying patient's debilitating
36 medical condition within ten days of such change, or the registry identification card shall
37 be deemed null and void.

38 8. Possession of, or application for, a registry identification card shall not alone
39 constitute probable cause to search the person or property of the person possessing or
40 applying for the card, or otherwise subject the person or property of the person possessing
41 the card to inspection by any governmental agency.

42 9. The department shall maintain a confidential list of the persons to whom the
43 department has issued registry identification cards. Individual names on the list shall be
44 confidential and not subject to disclosure, except to:

45 (1) Authorized employees of the department as necessary to perform official duties
46 of the department; or

47 (2) Authorized employees of state or local law enforcement agencies, only for the
48 purpose of verifying that a person who is engaged in the suspected or alleged medical use
49 of marijuana is lawfully in possession of a registry identification card.

 195.565. 1. A "registered organization" is a non-profit corporation registered with
2 the state pursuant to chapter 355, RSMo, and organized for the purpose of lawfully selling,
3 administering, delivering, dispensing, distributing, cultivating, or possessing marijuana,
4 cultivation equipment, related supplies and educational materials, or marijuana seeds for
5 medical use.

6 2. Prior to selling, administering, delivering, dispensing, distributing, cultivating,
7 or possessing marijuana for medical use, a registered organization shall file a registration
8 statement with the department, and thereafter shall file an annual registration statement
9 with the department, in accordance with department regulations which shall provide for
10 the form and content of the registration statement.

11 3. Not later than ninety days after the effective date of sections 195.550 to 195.568,
12 the department shall promulgate regulations that include procedures for the oversight of
13 registered organizations, specifications for the membership of the staff and the boards of
14 directors of registered organizations, appropriate protections for people associated with
15 registered organizations, a registration system for qualifying patients and primary
16 caregivers who use the services of registered organizations, recordkeeping and reporting
17 requirements for registered organizations, the potential transference or sale of seized
18 cultivation equipment and related supplies from law enforcement agencies to registered
19 organizations, and procedures for suspending or terminating the registration of registered
20 organizations.

21 4. It shall be lawful to sell, administer, deliver, dispense, distribute, cultivate, or
22 possess marijuana where it is:

23 (1) By a registered organization to a qualifying patient or primary caregiver; or

24 (2) By any federal, state, or local law enforcement agency to a registered
25 organization.

26 5. The registered organization is prohibited from:

27 (1) Obtaining marijuana from outside the state in violation of federal law;

28 (2) Employing or utilizing the services of any person who has a criminal record
29 involving a controlled substance offense; and

30 (3) Selling, administering, delivering, dispensing, or distributing marijuana to
31 qualifying patients or primary caregivers without first verifying the validity of the

32 **qualifying patient's written certification by:**

33 **(a) Contacting the office of the qualifying patient's physician; and**

34 **(b) Contacting the appropriate state medical board or association to determine that**
35 **the physician is licensed to practice medicine pursuant to chapter 334, RSMo.**

195.568. No rule or portion of a rule promulgated pursuant to the authority of this
2 **section shall become effective unless it has been promulgated pursuant to chapter 536,**
3 **RSMo.**

263.250. 1. **Except as provided in sections 195.550 to 195.568, RSMo,** the plant
2 "marijuana", botanically known as cannabis sativa, is hereby declared to be a noxious weed and
3 all owners and occupiers of land shall destroy all such plants growing upon their land. Any
4 person who knowingly allows such plants to grow on his land or refuses to destroy such plants
5 after being notified to do so shall allow any sheriff or such other persons as designated by the
6 county commission to enter upon any land in this state and destroy such plants.
7 2. Entry to such lands shall not be made, by any sheriff or other designated person to
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In
10 all such instances, the county commission shall bear the cost of destruction and notification.

Section B. Section A of this act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall be held and
3 conducted on Tuesday next following the first Monday in November, 2004, pursuant to the laws
4 and constitutional provisions of this state for the submission of referendum measures by the
5 general assembly, and section A of this act shall become effective when approved by a majority
6 of the votes cast thereon at such election and not otherwise.