SECOND REGULAR SESSION

HOUSE BILL NO. 1831

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES VILLA (Sponsor), DAUS, LOWE (44), BAKER (25), MEINERS, LOW (39), HOSKINS, VOGT AND YOUNG (Co-sponsors).

Read 1st time February 21, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5236L.01I

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Section A. Sections 195.017 and 263.250, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 195.017, 195.550, 195.553, 195.556, 195.559, 195.562, 195.565, 195.568, and 263.250, to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

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.

(c) Allylprodine;
(d) Alphacetylmethadol;
(e) Alphameprodine;
(f) Alphamethadol;
(g) Alpha-methylfentanyl;
(h) Alpha-methylthiofentanyl;
(i) Benzethidine;
(j) Betacetylmethadol;
(k) Beta-hydroxyfentanyl;
(l) Beta-hydroxy-3-methylfentanyl;
(m) Betameprodine;
(n) Betamethadol;
(o) Betaprodine;
(p) Clonitazene;
(q) Dextromoramide;
(r) Diampromide;
(s) Diethylthiambutene;
(t) Difenoxin;
(u) Dimenoxadol;
(v) Dimepheptanol;
(w) Dimethylthiambutene;
(x) Dioxaphetyl butyrate;
(y) Dipipanone;
(z) Ethylmethylthiambutene;
(aa) Etonitazene;
(bb) Etoxeridine;
(cc) Furethidine;
(dd) Hydroxypethidine;
(ee) Ketobemidone;
(ff) Levomoramide;
(gg) Levophenacylmorphan;
(hh) 3-Methylfentanyl;
(ii) 3-Methylthiofentanyl;
(jj) Morpheridine;
(kk) MPPP;
(ll) Noracymethadol;

(mm) Norlevorphanol;
(nn) Normethadone;
(oo) Norpipanone;
(pp) Para-fluorofentanyl;
(qq) PEPAP;
(rr) Phenadoxone;
(ss) Phenampromide;
(tt) Phenomorphan;
(uu) Phenoperidine;
(vv) Piritramide;
(ww) Proheptazine;
(xx) Properidine;
(yy) Propiram;
(zz) Racemoramide;
(aaa) Thiofentanyl;
(bbb) Tilidine;
(ccc) Trimeperidine;

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

(a) Acetorphine;
(b) Acetyldihydrocodeine;
(c) Benzylmorphine;
(d) Codeine methylbromide;
(e) Codeine-N-Oxide;
(f) Cyprenorphine;
(g) Desomorphine;
(h) Dihydromorphine;
(i) Drotebanol;
(j) Etorphine; (except Hydrochloride Salt);
(k) Heroin;
(l) Hydromorphinol;
(m) Methyldesorphine;
(n) Methyldihydromorphine;
(o) Morphine methylbromide;
(p) Morphine methyl sulfonate;

(q) Morphine-N-Oxide;
(r) Morphine;
(s) Nicocodeine;
(t) Nicomorphine;
(u) Normorphine;
(v) Pholcodine;
(w) Thebacon;

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

(a) 4-brome-2,5-dimethoxyamphetamine;
(b) 4-bromo-2, 5-dimethoxyphenethylamine;
(c) 2,5-dimethoxyamphetamine;
(d) 2,5-dimethoxy-4-ethylamphetamine;
(e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
(f) 4-methoxyamphetamine;
(g) 5-methoxy-3,4-methylenedioxyamphetamine;
(h) 4-methyl-2,5-dimethoxy amphetamine;
(i) 3,4-methylenedioxyamphetamine;
(j) 3,4-methylenedioxymethamphetamine;
(k) 3,4-methylenedioxy-N-ethylamphetamine;
(l) N-nydroxy-3, 4-methylenedioxyamphetamine;
(m) 3,4,5-trimethoxyamphetamine;
(n) Alpha-ethyltryptamine;
(o) Benzylpiperazine or B.P.;
(p) Bufotenine;
(q) Diethyltryptamine;
(r) Dimethyltryptamine;
(s) Ibogaine;
(t) Lysergic acid diethylamide;
(u) **[**Marijuana; (Marihuana);
(v)**]** Mescaline;
[(w)**] (v)** Parahexyl;
[(x)**] (w)** Peyote, to include all parts of the plant presently classified botanically as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any

part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts;

[(y)**] (x)** N-ethyl-3-piperidyl benzilate;

[(z)**] (y)** N-methyl-3-piperidyl benzilate;

[(aa)**] (z)** Psilocybin;

[(bb)**] (aa)** Psilocyn;

[(cc)**] (bb)** Tetrahydrocannabinols;

[(dd)**] (cc)** Ethylamine analog of phencyclidine;

[(ee)**] (dd)** Pyrrolidine analog of phencyclidine;

[(ff)**] (ee)** Thiophene analog of phencyclidine;

[(gg)**] (ff)** 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;

[(hh)**] (gg)** 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;

[(ii)**] (hh)** Salvia divinorum;

[(jj)**] (ii)** Salvinorin A;

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

(a) Gamma hydroxybutyric acid;

(b) Mecloqualone;

(c) Methaqualone;

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

(a) Aminorex;

(b) Cathinone;

(c) Fenethylline;

(d) Methcathinone;

(e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazolamine);

(f) N-ethylamphetamine;

(g) N,N-dimethylamphetamine;

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

(a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers, salts and salts of isomers;

(b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers;

(c) Alpha-Methyltryptamine, or (AMT);

(d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);

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

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

(1) The substance has high potential for abuse;

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

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

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

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

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

a. Raw opium;

b. Opium extracts;

c. Opium fluid;

d. Powdered opium;

e. Granulated opium;

f. Tincture of opium;

g. Codeine;

h. Ethylmorphine;

i. Etorphine hydrochloride;

j. Hydrocodone;

k. Hydromorphone;

l. Metopon;

m. Morphine;

n. Oxycodone;

o. Oxymorphone;

p. Thebaine;

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

(c) Opium poppy and poppy straw;

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

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

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

(a) Alfentanil;

(b) Alphaprodine;

(c) Anileridine;

(d) Bezitramide;

(e) Bulk Dextropropoxyphene;

(f) Carfentanil;

(g) Butyl nitrite;

(h) Dihydrocodeine;

(i) Diphenoxylate;

(j) Fentanyl;

(k) Isomethadone;

(l) Levo-alphacetylmethadol;

(m) Levomethorphan;

(n) Levorphanol;

(o) Metazocine;

(p) Methadone;

(q) Meperidine;

(r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;

(s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid;

(t) Pethidine;

(u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperdine-4-carboxylic acid;

(x) Phenazocine;

(y) Piminodine;

(z) Racemethorphan;

(aa) Racemorphan;

(bb) Sufentanil;

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

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

(b) Methamphetamine, its salts, isomers, and salts of its isomers;

(c) Phenmetrazine and its salts;

(d) Methylphenidate;

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

(a) Amobarbital;

(b) Glutethimide;

(c) Pentobarbital;

(d) Phencyclidine;

(e) Secobarbital;

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

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

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

(b) Immediate precursors to phencyclidine (PCP):

a. 1-phenylcyclohexylamine;

b. 1-piperidinocyclohexanecarbonitrile (PCC)**;**

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

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

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

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

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

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

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

(a) Benzphetamine;

(b) Chlorphentermine;

(c) Clortermine;

(d) Phendimetrazine;

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

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

a. Amobarbital;

b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

c. Secobarbital;

d. Pentobarbital;

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

a. Amobarbital;

b. Secobarbital;

c. Pentobarbital;

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

(d) Chlorhexadol;

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

(f) Lysergic acid;

(g) Lysergic acid amide;

(h) Methyprylon;

(i) Sulfondiethylmethane;

(j) Sulfonethylmethane;

(k) Sulfonmethane;

(l) Tiletamine and zolazepam or any salt thereof;

(3) Nalorphine;

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

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

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

(c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

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

(e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

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

(6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been

approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

(a) Boldenone;

(b) Chlorotestosterone (4-Chlortestosterone);

(c) Clostebol;

(d) Dehydrochlormethyltestosterone;

(e) Dihydrostestosterone (4-Dihydro-testosterone);

(f) Drostanolone;

(g) Ethylestrenol;

(h) Fluoxymesterone;

(i) Formebulone (Formebolone);

(j) Mesterolone;

(k) Methandienone;

(l) Methandranone;

(m) Methandriol;

(n) Methandrostenolone;

(o) Methenolone;

(p) Methyltestosterone;

(q) Mibolerone;

(r) Nandrolone;

(s) Norethandrolone;

(t) Oxandrolone;

(u) Oxymesterone;

(v) Oxymetholone;

(w) Stanolone;

(x) Stanozolol;

(y) Testolactone;

(z) Testosterone;

(aa) Trenbolone;

(bb) Any salt, ester, or isomer of a drug or substance described or listed in this subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid

which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Alprazolam;

(b) Barbital;

(c) Bromazepam;

(d) Camazepam;

(e) Chloral betaine;

(f) Chloral hydrate;

(g) Chlordiazepoxide;

(h) Clobazam;

(i) Clonazepam;

(j) Clorazepate;

(k) Clotiazepam;

(l) Cloxazolam;

(m) Delorazepam;

(n) Diazepam;

(o) Dichloralphenazone;

(p) Estazolam;

(q) Ethchlorvynol;

(r) Ethinamate;

(s) Ethyl loflazepate;

(t) Fludiazepam;

(u) Flunitrazepam;

(v) Flurazepam;

(w) Halazepam;

(x) Haloxazolam;

(y) Ketazolam;

(z) Loprazolam;

(aa) Lorazepam;

(bb) Lormetazepam;

(cc) Mebutamate;

(dd) Medazepam;
(ee) Meprobamate;
(ff) Methohexital;
(gg) Methylphenobarbital;
(hh) Midazolam;
(ii) Nimetazepam;
(jj) Nitrazepam;
(kk) Nordiazepam;
(ll) Oxazepam;
(mm) Oxazolam;
(nn) Paraldehyde;
(oo) Petrichloral;
(pp) Phenobarbital;
(qq) Pinazepam;
(rr) Prazepam;
(ss) Quazepam;
(tt) Temazepam;
(uu) Tetrazepam;
(vv) Triazolam;
(ww) Zaleplon;
(xx) Zolpidem;

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

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

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

(j) Pipradrol;

(k) Sibutramine;

(l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

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

(a) butorphanol;

(b) pentazocine;

(6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;

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

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

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

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

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

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

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

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

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

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

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

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers.

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

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

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

(3) The pharmacist or registered pharmacy technician shall require any person purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not known to the pharmacist or registered pharmacy technician, to furnish suitable photo identification showing the date of birth of the person.

12. Within ninety days of the enactment of this section, pharmacists and registered pharmacy technicians shall implement and maintain a written or electronic log of each transaction. Such log shall include the following information:

(1) The name and address of the purchaser;

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

(3) The date of each purchase; and

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

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

14. Within thirty days of the enactment of this section, all persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

15. Within thirty days of the enactment of this section, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substances registrant.

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

17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form.

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

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

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

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

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

(2) "Debilitating medical condition":

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

(b) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe pain; severe

nausea; anorexia; seizures, including those characteristic of epilepsy; or severe and persistent muscle spasms, including those characteristic of multiple sclerosis or Crohn's disease; or

(c) Any other medical condition or its treatment approved by the department, as provided for as follows: Not later than ninety days after the effective date of sections 195.550 to 195.568, the department shall promulgate rules governing the manner in which it will consider petitions from the public to add debilitating medical conditions to those included in sections 195.550 to 195.568. In considering such petitions, the department shall include public notice of and an opportunity to comment in a public hearing upon such petitions. The department shall, after hearing, approve or deny such petitions within one hundred eighty days of submission. The approval or denial of such a petition shall be considered a final agency action, subject to judicial review;

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

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

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

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

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

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

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

(10) "Written certification", the qualifying patient's medical records or a statement signed by a physician stating that in the physician's professional opinion, after having completed a full assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship, the qualifying patient has a debilitating medical condition and the potential benefits of the medical use 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 certification shall not be subject to arrest, prosecution, or penalty in any manner for the medical use of marijuana, provided the quantity of marijuana does not exceed an adequate supply.

2. Subsection 1 of this section shall not apply to a qualifying patient under the age of eighteen, unless:

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

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

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

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

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

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

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

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

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

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

(1) The medical use of marijuana that endangers the health or well-being of another person, such as driving or operating heavy machinery while under the influence of marijuana;

(2) The smoking of marijuana:

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

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

(c) On any school grounds;

(d) In any correctional facility; or

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

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

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

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

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

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

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

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

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

3. Not later than ninety days after the effective date of sections 195.550 to 195.568, the department shall promulgate rules governing the manner in which it will consider applications for registry identification cards, and for renewing registry identification cards, for qualifying patients and primary caregivers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

195.565. 1. A "registered organization" means a nonprofit corporation registered with the state under chapter 355, RSMo, and organized for the purpose of lawfully selling, administering, delivering, dispensing, distributing, cultivating, or possessing marijuana, cultivation equipment, related supplies and educational materials, or marijuana seeds for medical use.

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

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

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

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

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

5. A registered organization shall not:

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

(2) Employ or utilize the services of any person who has a criminal record involving a controlled substance offense; or

(3) Sell, administer, deliver, dispense, or distribute marijuana to qualifying patients or primary caregivers without first verifying the validity of the qualifying patient's written certification by:

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

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

195.568. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 195.550 to 195.568 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. Sections 195.550 to 195.568 and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

263.250. 1. **Except as provided in sections 195.550 to 195.568, RSMo,** the plant "marijuana", botanically known as cannabis sativa, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants.

2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days' notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In 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 for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2006, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the

general assembly, and section A of this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.

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