

FIRST REGULAR SESSION

# HOUSE BILL NO. 1138

## 94TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES VILLA (Sponsor), YOUNG, DAUS, CHAPPELLE-NADAL,  
MEINERS, LOWE (44), BAKER (25) AND SPRENG (Co-sponsors).

Read 1st time March 15, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2610L.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Section A. Sections 195.017 and 263.250, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 195.017, 195.580, 195.583, 195.586, 195.589, 195.592, 195.595, 195.598, and 263.250, to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.

- 13 (c) Allylprodine;
- 14 (d) Alphacetylmethadol;
- 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) Etixeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacylmorphane;
- 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 methyl sulfonate;

- 85 (q) Morphine-N-Oxide;  
86 (r) Morphine;  
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) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;  
101 (f) 4-methoxyamphetamine;  
102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;  
103 (h) 4-methyl-2,5-dimethoxy amphetamine;  
104 (i) 3,4-methylenedioxyamphetamine;  
105 (j) 3,4-methylenedioxymethamphetamine;  
106 (k) 3,4-methylenedioxy-N-ethylamphetamine;  
107 (l) N-nydroxy-3, 4-methylenedioxyamphetamine;  
108 (m) 3,4,5-trimethoxyamphetamine;  
109 (n) Alpha-ethyltryptamine;  
110 (o) Benzylpiperazine or B.P.;  
111 (p) Bufotenine;  
112 (q) Diethyltryptamine;  
113 (r) Dimethyltryptamine;  
114 (s) Ibogaine;  
115 (t) Lysergic acid diethylamide;  
116 (u) [Marijuana; (Marihuana);  
117 (v)] Mescaline;  
118 [(w)] (v) Parahexyl;  
119 [(x)] (w) Peyote, to include all parts of the plant presently classified botanically as  
120 Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any

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

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

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

125 [(aa)] (z) Psilocybin;

126 [(bb)] (aa) Psilocyn;

127 [(cc)] (bb) Tetrahydrocannabinols;

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

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

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

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

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

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

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

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

139 (a) Gamma hydroxybutyric acid;

140 (b) Mecloqualone;

141 (c) Methaqualone;

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

145 (a) Aminorex;

146 (b) Cathinone;

147 (c) Fenethylline;

148 (d) Methcathinone;

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

150 (f) N-ethylamphetamine;

151 (g) N,N-dimethylamphetamine;

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

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

- 157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its  
158 optical isomers, salts and salts of isomers;
- 159 (c) Alpha-Methyltryptamine, or (AMT);
- 160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 161 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,  
162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every  
163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 164 3. The department of health and senior services shall place a substance in Schedule II  
165 if it finds that:
- 166 (1) The substance has high potential for abuse;
- 167 (2) The substance has currently accepted medical use in treatment in the United States,  
168 or currently accepted medical use with severe restrictions; and
- 169 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 170 4. The controlled substances listed in this subsection are included in Schedule II:
- 171 (1) Any of the following substances whether produced directly or indirectly by extraction  
172 from substances of vegetable origin, or independently by means of chemical synthesis, or by  
173 combination of extraction and chemical synthesis:
- 174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or  
175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,  
176 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:
- 177 a. Raw opium;
- 178 b. Opium extracts;
- 179 c. Opium fluid;
- 180 d. Powdered opium;
- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;
- 187 k. Hydromorphone;
- 188 l. Metopon;
- 189 m. Morphine;
- 190 n. Oxycodone;
- 191 o. Oxymorphone;
- 192 p. Thebaine;

- 193 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
194 equivalent or identical with any of the substances referred to in this subdivision, but not  
195 including the isoquinoline alkaloids of opium;
- 196 (c) Opium poppy and poppy straw;
- 197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical  
199 with any of these substances, but not including decocainized coca leaves or extractions which  
200 do not contain cocaine or ecgonine;
- 201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid  
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within  
205 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 206 (a) Alfentanil;
- 207 (b) Alphaprodine;
- 208 (c) Anileridine;
- 209 (d) Bezitramide;
- 210 (e) Bulk Dextropropoxyphene;
- 211 (f) Carfentanil;
- 212 (g) Butyl nitrite;
- 213 (h) Dihydrocodeine;
- 214 (i) Diphenoxylate;
- 215 (j) Fentanyl;
- 216 (k) Isomethadone;
- 217 (l) Levo-alphacetylmethadol;
- 218 (m) Levomethorphan;
- 219 (n) Levorphanol;
- 220 (o) Metazocine;
- 221 (p) Methadone;
- 222 (q) Meperidine;
- 223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
225 acid;
- 226 (t) Pethidine;
- 227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

- 229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
230 (x) Phenazocine;  
231 (y) Piminodine;  
232 (z) Racemethorphan;  
233 (aa) Racemorphan;  
234 (bb) Sufentanil;  
235 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
236 following substances having a stimulant effect on the central nervous system:  
237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;  
239 (c) Phenmetrazine and its salts;  
240 (d) Methylphenidate;  
241 (4) Any material, compound, mixture, or preparation which contains any quantity of the  
242 following substances having a depressant effect on the central nervous system, including its salts,  
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
244 is possible within the specific chemical designation:  
245 (a) Amobarbital;  
246 (b) Glutethimide;  
247 (c) Pentobarbital;  
248 (d) Phencyclidine;  
249 (e) Secobarbital;  
250 (5) Any material, compound or compound which contains any quantity of nabilone;  
251 (6) Any material, compound, mixture, or preparation which contains any quantity of the  
252 following substances:  
253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;  
254 (b) Immediate precursors to phencyclidine (PCP):  
255 a. 1-phenylcyclohexylamine;  
256 b. 1-piperidinocyclohexanecarbonitrile (PCC);  
257 **(7) Any material, compound, mixture, or preparation which contains any quantity**  
258 **of the following substances having a depressant effect on the central nervous system,**  
259 **including its salts, isomers, and salts of isomers whenever the existence of those salts,**  
260 **isomers, and salts of isomers is possible within the specific chemical designation:**  
261 **Marijuana.**  
262 5. The department of health and senior services shall place a substance in Schedule III  
263 if it finds that:



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

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

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

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

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

274 (a) Benzphetamine;  
275 (b) Chlorphentermine;  
276 (c) Clortermine;  
277 (d) Phendimetrazine;

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

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

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

286 c. Secobarbital;  
287 d. Pentobarbital;

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

289 a. Amobarbital;  
290 b. Secobarbital;  
291 c. Pentobarbital;

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

294 (d) Chlorhexadol;  
295 (e) Ketamine, its salts, isomers, and salts of isomers;  
296 (f) Lysergic acid;  
297 (g) Lysergic acid amide;  
298 (h) Methyprylon;  
299 (i) Sulfondiethylmethane;

- 300 (j) Sulfonethylmethane;  
301 (k) Sulfonmethane;  
302 (l) Tiletamine and zolazepam or any salt thereof;  
303 (3) Nalorphine;  
304 (4) Any material, compound, mixture, or preparation containing limited quantities of any  
305 of the following narcotic drugs or their salts:  
306 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
307 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid  
308 of opium;  
309 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
310 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized  
311 therapeutic amounts;  
312 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
313 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an  
314 isoquinoline alkaloid of opium;  
315 (d) Not more than three hundred milligrams of hydrocodone 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 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than  
319 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized  
320 therapeutic amounts;  
321 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters  
322 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic  
323 ingredients in recognized therapeutic amounts;  
324 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per  
325 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more  
326 active nonnarcotic ingredients in recognized therapeutic amounts;  
327 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one  
328 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic  
329 amounts;  
330 (5) Any material, compound, mixture, or preparation containing any of the following  
331 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;  
332 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
333 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)  
334 that promotes muscle growth, except an anabolic steroid which is expressly intended for  
335 administration through implants to cattle or other nonhuman species and which has been

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

- 343 (a) Boldenone;
- 344 (b) Chlorotestosterone (4-Chlortestosterone);
- 345 (c) Clostebol;
- 346 (d) Dehydrochlormethyltestosterone;
- 347 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 348 (f) Drostanolone;
- 349 (g) Ethylestrenol;
- 350 (h) Fluoxymesterone;
- 351 (i) Formebolone (Formebolone);
- 352 (j) Mesterolone;
- 353 (k) Methandienone;
- 354 (l) Methandranone;
- 355 (m) Methandriol;
- 356 (n) Methandrostenolone;
- 357 (o) Methenolone;
- 358 (p) Methyltestosterone;
- 359 (q) Mibolerone;
- 360 (r) Nandrolone;
- 361 (s) Norethandrolone;
- 362 (t) Oxandrolone;
- 363 (u) Oxymesterone;
- 364 (v) Oxymetholone;
- 365 (w) Stanolone;
- 366 (x) Stanozolol;
- 367 (y) Testolactone;
- 368 (z) Testosterone;
- 369 (aa) Trenbolone;
- 370 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this  
371 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid

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

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

379 (8) The department of health and senior services may except by rule any compound,  
380 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions  
381 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to  
382 195.320 if the compound, mixture, or preparation contains one or more active medicinal  
383 ingredients not having a stimulant or depressant effect on the central nervous system, and if the  
384 admixtures are included therein in combinations, quantity, proportion, or concentration that  
385 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on  
386 the central nervous system.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 415           (a) Alprazolam;
- 416           (b) Barbitol;
- 417           (c) Bromazepam;
- 418           (d) Camazepam;
- 419           (e) Chloral betaine;
- 420           (f) Chloral hydrate;
- 421           (g) Chlordiazepoxide;
- 422           (h) Clobazam;
- 423           (i) Clonazepam;
- 424           (j) Clorazepate;
- 425           (k) Clotiazepam;
- 426           (l) Cloxazolam;
- 427           (m) Delorazepam;
- 428           (n) Diazepam;
- 429           (o) Dichloralphenazone;
- 430           (p) Estazolam;
- 431           (q) Ethchlorvynol;
- 432           (r) Ethinamate;
- 433           (s) Ethyl loflazepate;
- 434           (t) Fludiazepam;
- 435           (u) Flunitrazepam;
- 436           (v) Flurazepam;
- 437           (w) Halazepam;
- 438           (x) Haloxazolam;
- 439           (y) Ketazolam;
- 440           (z) Loprazolam;
- 441           (aa) Lorazepam;
- 442           (bb) Lormetazepam;
- 443           (cc) Mebutamate;

- 444 (dd) Medazepam;
- 445 (ee) Meprobamate;
- 446 (ff) Methohexital;
- 447 (gg) Methylphenobarbital;
- 448 (hh) Midazolam;
- 449 (ii) Nimetazepam;
- 450 (jj) Nitrazepam;
- 451 (kk) Nordiazepam;
- 452 (ll) Oxazepam;
- 453 (mm) Oxazolam;
- 454 (nn) Paraldehyde;
- 455 (oo) Petrichloral;
- 456 (pp) Phenobarbital;
- 457 (qq) Pinazepam;
- 458 (rr) Prazepam;
- 459 (ss) Quazepam;
- 460 (tt) Temazepam;
- 461 (uu) Tetrazepam;
- 462 (vv) Triazolam;
- 463 (ww) Zaleplon;
- 464 (xx) Zolpidem;
- 465 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 466 following substance including its salts, isomers and salts of isomers whenever the existence of
- 467 such salts, isomers and salts of isomers is possible: fenfluramine;
- 468 (4) Any material, compound, mixture or preparation containing any quantity of the
- 469 following substances having a stimulant effect on the central nervous system, including their
- 470 salts, isomers and salts of isomers:
- 471 (a) Cathine ((+)-norpseudoephedrine);
- 472 (b) Diethylpropion;
- 473 (c) Fencamfamin;
- 474 (d) Fenproporex;
- 475 (e) Mazindol;
- 476 (f) Mefenorex;
- 477 (g) Modafinil;
- 478 (h) Pemoline, including organometallic complexes and chelates thereof;
- 479 (i) Phentermine;

480 (j) Pipradrol;  
481 (k) Sibutramine;  
482 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);  
483 (5) Any material, compound, mixture or preparation containing any quantity of the  
484 following substance, including its salts:  
485 (a) butorphanol;  
486 (b) pentazocine;  
487 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance  
488 is the only active medicinal ingredient;  
489 (7) The department of health and senior services may except by rule any compound,  
490 mixture, or preparation containing any depressant substance listed in subdivision (1) of this  
491 subsection from the application of all or any part of sections 195.010 to 195.320 if the  
492 compound, mixture, or preparation contains one or more active medicinal ingredients not having  
493 a depressant effect on the central nervous system, and if the admixtures are included therein in  
494 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the  
495 substances which have a depressant effect on the central nervous system.  
496 9. The department of health and senior services shall place a substance in Schedule V  
497 if it finds that:  
498 (1) The substance has low potential for abuse relative to the controlled substances listed  
499 in Schedule IV;  
500 (2) The substance has currently accepted medical use in treatment in the United States;  
501 and  
502 (3) The substance has limited physical dependence or psychological dependence liability  
503 relative to the controlled substances listed in Schedule IV.  
504 10. The controlled substances listed in this subsection are included in Schedule V:  
505 (1) Any compound, mixture or preparation containing any of the following narcotic  
506 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set  
507 forth below, which also contains one or more nonnarcotic active medicinal ingredients in  
508 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal  
509 qualities other than those possessed by the narcotic drug alone:  
510 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than  
511 twenty-five micrograms of atropine sulfate per dosage unit;  
512 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per  
513 one hundred grams;  
514 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five  
515 micrograms of atropine sulfate per dosage unit;

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

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

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

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

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

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

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

542 (1) The name and address of the purchaser;

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

544 (3) The date of each purchase; and

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

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

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



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

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

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

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

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

573           20. The department of health and senior services shall promulgate rules under chapter  
574 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described  
575 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department  
576 of health and senior services.

**195.580. As used in sections 195.580 to 195.589, 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) "Curing stage", harvested cannabis leaves and/or flowers in the process of**  
10 **drying and/or curing;**

11           **(3) "Debilitating medical condition":**

- 12           (a) Cancer, glaucoma, positive status for human immunodeficiency virus (HIV),  
13 acquired immune deficiency syndrome (AIDS), hepatitis C, Alzheimer's disease,  
14 rheumatoid arthritis, fibromyalgia, severe migraines, multiple sclerosis, or the treatment  
15 of such conditions;
- 16           (b) A chronic or debilitating disease or medical condition or its treatment that  
17 produces one or more of the following: cachexia or wasting syndrome; severe pain; severe  
18 nausea; anorexia; seizures, including those characteristic of epilepsy; or severe and  
19 persistent muscle spasms, including those characteristic of multiple sclerosis (MS), Lou  
20 Gehrig's disease (ALS), or Crohn's disease; or
- 21           (c) Any other serious medical condition or its treatment approved by a licensed  
22 physician;
- 23           (4) "Department", the department of health and senior services;
- 24           (5) "Immature marijuana plants", any cannabis plant, devoid of flower or buds,  
25 from seedling to the beginning states of flowering, signifying the first state of processing  
26 for consumption as medicine;
- 27           (6) "Mature marijuana plants", any cannabis plant bearing flowers or buds,  
28 signifying the second stage of processing for consumption as medicine;
- 29           (7) "Medical marijuana", cannabis sativa grown within a controlled environment  
30 for the purposes of being used as a medicine;
- 31           (8) "Medical use", the acquisition, possession, cultivation, use, transfer, or  
32 transportation of marijuana or paraphernalia relating to the administration of marijuana  
33 to alleviate the symptoms or effects of a qualifying patient's debilitating medical condition.  
34 For the purposes of "medical use", the term "transfer" is limited to the transfer of  
35 marijuana and paraphernalia between primary caregivers and qualifying patients;
- 36           (9) "Physician", a person who is licensed under section 334.021, RSMo, and is  
37 licensed with authority to prescribe drugs under section 334.021, RSMo;
- 38           (10) "Primary caregiver", a person who is at least eighteen years of age and who  
39 has agreed to undertake responsibility for managing the well-being of a person with  
40 respect to the medical use of marijuana;
- 41           (11) "Qualifying patient", a person who has been diagnosed by a physician as  
42 having a debilitating medical condition;
- 43           (12) "Usable marijuana", the dried leaves and flowers of marijuana, and any  
44 mixture or preparation thereof, that are appropriate for the medical use of marijuana, and  
45 does not include the seeds, stalks, and roots of the plant;
- 46           (13) "Written certification", the qualifying patient's medical records or a statement  
47 signed by a physician stating that in the physician's professional opinion, after having

48 completed a full assessment of the qualifying patient's medical history and current medical  
49 condition made in the course of a bona fide physician-patient relationship, the qualifying  
50 patient has a debilitating medical condition and the potential benefits of the medical use  
51 of marijuana would likely outweigh the health risks for the qualifying patient.

195.583. 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 195.580 to 195.598 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 6. Marijuana plants, equipment for their cultivation, as well as legal amounts of  
27 medical marijuana shall not be seized from the possession of a medical patient if the  
28 medical patient presents identification as a medical marijuana patient. Any such property  
29 interest shall not be forfeited under any provision of state or local law providing for the  
30 forfeiture of property other than as a sentence imposed after conviction of a criminal  
31 offense or entry of a plea of guilty to a criminal offense. Marijuana, paraphernalia, or  
32 other property seized from a qualifying patient or primary caregivers in connection with

33 the claimed medical use of marijuana shall be returned immediately upon the  
34 determination by a court or prosecutor that the qualifying patient or primary caregivers  
35 are entitled to the protections of 195.550 to 195.568, as may be evidenced by a decision not  
36 to prosecute, the dismissal of charges, or an acquittal.

37 7. No person shall be subject to arrest or prosecution for "constructive possession",  
38 "conspiracy", or any other offense for simply being in the presence or vicinity of the  
39 medical use of marijuana as permitted under sections 195.580 to 195.583.

40 8. Any medical marijuana patient shall be afforded all the same rights under the  
41 law as any other pharmaceutically medicated individual, as it pertains to:

42 (1) Routine traffic stops as well as any interaction with law enforcement that does  
43 not involve an illegal act;

44 (2) Any interaction with a person's employer that pertains solely to legal medical  
45 marijuana use; or

46 (3) Exoneration from drug testing when such test pertains to marijuana and its  
47 metabolites whether by an employer or a member of law enforcement.

48 9. A patient or caregiver who has not received a registry identification card may  
49 present evidence supporting his or her need for medical marijuana for treatment of a  
50 serious medical condition. Such evidence may constitute a defense to a charge of  
51 marijuana possession or cultivation and shall be admissible in the courts of the state of  
52 Missouri if such evidence otherwise properly qualifies as admissible under the rules of  
53 evidence.

195.586. 1. The authorization for the medical use of marijuana in sections 195.580  
2 to 195.598 shall not apply to:

3 (1) The medical use of marijuana that compromises the health or well-being of  
4 another person, such as:

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

6 (b) In the areas of one's employment not designated for medical marijuana use;

7 (c) On any school grounds other than areas designated for medical marijuana use;

8 (d) In any correctional facility other than areas designated for medical marijuana  
9 use; or

10 (e) At any public park, public beach, public recreation center, or youth center other  
11 than areas designated for medical marijuana use; and

12 (2) The use of marijuana by a qualifying patient, primary caregiver, or any other  
13 person for purposes other than medical use permitted by sections 195.580 to 195.598.

14 2. Notwithstanding any law to the contrary, fraudulent representation to a law  
15 enforcement official of any fact or circumstance relating to the medical use of marijuana

16 to avoid arrest or prosecution shall be a petty misdemeanor and subject to a fine of five  
17 hundred dollars. Such penalty shall be in addition to any other penalties that may apply  
18 for the nonmedical use of marijuana.

195.589. 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.

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

3 2. Not later than ninety days after the effective date of sections 195.580 to 195.598,  
4 the department shall promulgate rules governing the manner in which it will consider  
5 applications for registry identification cards, and for renewing registry identification  
6 cards, for qualifying patients and primary caregivers.

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

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

11 (2) Registration fee, not to exceed one hundred dollars per qualifying patient;

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

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

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

16 4. The department shall verify the information contained in an application  
17 submitted under this section, and shall approve or deny an application within thirty days  
18 of receipt of the application. The department may deny an application only if the applicant  
19 did not provide the information required under this section, or if the department  
20 determines that the information provided was falsified. Any person whose application has

21 been denied shall not reapply for six months from the date of the denial, unless so  
22 authorized by the department or a court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

195.595. 1. A "registered organization" means a nonprofit corporation registered  
2 with the state under 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 rules which shall provide for the form  
10 and content of the registration statement.

11           **3. Not later than ninety days after the effective date of sections 195.580 to 195.598,**  
12 **the department shall promulgate rules 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. A registered organization shall not:**

- 27           **(1) Obtain marijuana from outside the state in violation of federal law;**  
28           **(2) Employ or utilize the services of any person who has a felony conviction**  
29 **involving a controlled substance offense; or**  
30           **(3) Sell, administer, deliver, dispense, or distribute marijuana to qualifying patients**  
31 **or primary caregivers without first verifying the validity of the qualifying patient's written**  
32 **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 under chapter 334, RSMo.**

**195.598. Any rule or portion of a rule, as that term is defined in section 536.010,**  
2 **RSMo, that is created under the authority delegated in sections 195.580 to 195.598 shall**  
3 **become effective only if it complies with and is subject to all of the provisions of chapter**  
4 **536, RSMo, and, if applicable, section 536.028, RSMo. Sections 195.580 to 195.598 and**  
5 **chapter 536, RSMo, are nonseverable and if any of the powers vested with the general**  
6 **assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to**  
7 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
8 **rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be**  
9 **invalid and void.**

**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, 2008, 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.

✓