

SECOND REGULAR SESSION

HOUSE BILL NO. 1619

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), PARSON, ROORDA, RUZICKA, GRISAMORE, BRUNS, HARRIS (110), LOEHNER, FAITH, JONES (89), MEADOWS, ROBB, WRIGHT, ONDER, SCHAD AND SMITH (150) (Co-sponsors).

Read 1st time January 10, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3897L.01I

AN ACT

To repeal section 195.017, RSMo, and to enact in lieu thereof four new sections relating to maintenance of a logbook for pseudoephedrine purchases, with a penalty provision.

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

- Section A. Section 195.017, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 195.017, 338.400, 338.403, and 338.405, to read as follows:
- 195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance:
- (1) Has high potential for abuse; and
 - (2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.
2. Schedule I:
- (1) The controlled substances listed in this subsection are included in Schedule I;
 - (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:
 - (a) Acetyl-alpha-methylfentanyl;
 - (b) Acetylmethadol;
 - (c) Allylprodine;

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.

- 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) Etoxeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;

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

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

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyl-desorphine;
- 82 (n) Methyl-dihydromorphine;
- 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) Parahexyl;
119 (x) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
120 *Williamsil Lemaire*, whether growing or not; the seeds thereof; any extract from any part of such

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

- 123 (y) N-ethyl-3-piperidyl benzilate;
- 124 (z) N-methyl-3-piperidyl benzilate;
- 125 (aa) Psilocybin;
- 126 (bb) Psilocyn;
- 127 (cc) Tetrahydrocannabinols;
- 128 (dd) Ethylamine analog of phencyclidine;
- 129 (ee) Pyrrolidine analog of phencyclidine;
- 130 (ff) Thiophene analog of phencyclidine;
- 131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
- 132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 133 (ii) Salvia divinorum;
- 134 (jj) 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) Fenethylamine;
- 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 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:
259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;
261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and
263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.

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

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

269 (a) Benzphetamine;

270 (b) Chlorphentermine;

271 (c) Clortermine;

272 (d) Phendimetrazine;

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

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

277 a. Amobarbital;

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

281 c. Secobarbital;

282 d. Pentobarbital;

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

284 a. Amobarbital;

285 b. Secobarbital;

286 c. Pentobarbital;

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

289 (d) Chlorhexadol;

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

291 (f) Lysergic acid;

292 (g) Lysergic acid amide;

293 (h) Methyprylon;

294 (i) Sulfondiethylmethane;

295 (j) Sulfonethylmethane;

296 (k) Sulfonmethane;

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

298 (3) Nalorphine;

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

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

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

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

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

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

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

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

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

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

327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
329 that promotes muscle growth, except an anabolic steroid which is expressly intended for
330 administration through implants to cattle or other nonhuman species and which has been
331 approved by the Secretary of Health and Human Services for that administration. If any person
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,
335 compound, mixture or preparation containing any quantity of the following substances, including

336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
337 within the specific chemical designation:

- 338 (a) Boldenone;
- 339 (b) Chlorotestosterone (4-Chlortestosterone);
- 340 (c) Clostebol;
- 341 (d) Dehydrochlormethyltestosterone;
- 342 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 343 (f) Drostanolone;
- 344 (g) Ethylestrenol;
- 345 (h) Fluoxymesterone;
- 346 (i) Formebolone (Formebolone);
- 347 (j) Mesterolone;
- 348 (k) Methandienone;
- 349 (l) Methandranone;
- 350 (m) Methandriol;
- 351 (n) Methandrostenolone;
- 352 (o) Methenolone;
- 353 (p) Methyltestosterone;
- 354 (q) Mibolerone;
- 355 (r) Nandrolone;
- 356 (s) Norethandrolone;
- 357 (t) Oxandrolone;
- 358 (u) Oxymesterone;
- 359 (v) Oxymetholone;
- 360 (w) Stanolone;
- 361 (x) Stanozolol;
- 362 (y) Testolactone;
- 363 (z) Testosterone;
- 364 (aa) Trenbolone;
- 365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;
- 370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for

372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);

374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.

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

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

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

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

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

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

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

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

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

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

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

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

407 (2) Any material, compound, mixture or preparation containing any quantity of the
408 following substances, including their salts, isomers, and salts of isomers whenever the existence
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
410 (a) Alprazolam;
411 (b) Barbitol;
412 (c) Bromazepam;
413 (d) Camazepam;
414 (e) Chloral betaine;
415 (f) Chloral hydrate;
416 (g) Chlordiazepoxide;
417 (h) Clobazam;
418 (i) Clonazepam;
419 (j) Clorazepate;
420 (k) Clotiazepam;
421 (l) Cloxazolam;
422 (m) Delorazepam;
423 (n) Diazepam;
424 (o) Dichloralphenazone;
425 (p) Estazolam;
426 (q) Ethchlorvynol;
427 (r) Ethinamate;
428 (s) Ethyl loflazepate;
429 (t) Fludiazepam;
430 (u) Flunitrazepam;
431 (v) Flurazepam;
432 (w) Halazepam;
433 (x) Haloxazolam;
434 (y) Ketazolam;
435 (z) Loprazolam;
436 (aa) Lorazepam;
437 (bb) Lormetazepam;
438 (cc) Mebutamate;
439 (dd) Medazepam;
440 (ee) Meprobamate;
441 (ff) Methohexital;
442 (gg) Methylphenobarbital;

- 443 (hh) Midazolam;
- 444 (ii) Nimetazepam;
- 445 (jj) Nitrazepam;
- 446 (kk) Nordiazepam;
- 447 (ll) Oxazepam;
- 448 (mm) Oxazolam;
- 449 (nn) Paraldehyde;
- 450 (oo) Petrichloral;
- 451 (pp) Phenobarbital;
- 452 (qq) Pinazepam;
- 453 (rr) Prazepam;
- 454 (ss) Quazepam;
- 455 (tt) Temazepam;
- 456 (uu) Tetrazepam;
- 457 (vv) Triazolam;
- 458 (ww) Zaleplon;
- 459 (xx) Zolpidem;
- 460 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 461 following substance including its salts, isomers and salts of isomers whenever the existence of
- 462 such salts, isomers and salts of isomers is possible: fenfluramine;
- 463 (4) Any material, compound, mixture or preparation containing any quantity of the
- 464 following substances having a stimulant effect on the central nervous system, including their
- 465 salts, isomers and salts of isomers:
- 466 (a) Cathine ((+)-norpseudoephedrine);
- 467 (b) Diethylpropion;
- 468 (c) Fencamfamin;
- 469 (d) Fenproporex;
- 470 (e) Mazindol;
- 471 (f) Mefenorex;
- 472 (g) Modafinil;
- 473 (h) Pemoline, including organometallic complexes and chelates thereof;
- 474 (i) Phentermine;
- 475 (j) Pipradrol;
- 476 (k) Sibutramine;
- 477 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

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

480 (a) butorphanol;

481 (b) pentazocine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

534 12. Within ninety days of the enactment of this section, pharmacists and registered
535 pharmacy technicians shall:

536 (1) Implement and maintain a written or electronic log of each transaction. Such log
537 shall include the following information:

538 [(1)] (a) The name and address of the purchaser;

539 [(2)] (b) The amount of the compound, mixture, or preparation purchased;

540 [(3)] (c) The date of each purchase; and

541 [(4)] (d) The name or initials of the pharmacist or registered pharmacy technician who
542 dispensed the compound, mixture, or preparation to the purchaser; and

543 (2) Enter any transaction required to be maintained by this section into the realtime
544 electronic logbook maintained by the department under section 338.400, RSMo.

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

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

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

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

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

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

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

571 20. The department of health and senior services shall promulgate rules under chapter
572 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
573 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
574 of health and senior services.

**338.400. 1. Subject to appropriation, the department of health and senior services
2 shall provide pharmacies in this state access to a realtime electronic logbook for the
3 purposes of entering into the realtime logbook any transaction required to be reported
4 under section 195.017, RSMo.**

**5 2. The realtime electronic logbook shall have the capability to calculate both state
6 and federal ephedrine, pseudoephedrine, or phenylpropanolamine purchase limitations.**

7 3. The department may contract with a private vendor to implement this section.

**8 4. The department shall destroy any transaction record maintained by the realtime
9 electronic logbook within two years from the date of its entry unless the transaction record
10 is being used in an ongoing criminal investigation or criminal proceeding.**

11 5. The department shall have the authority to promulgate rules to implement the
12 provisions of this section and section 338.403.

 338.403. 1. The department of health and senior services shall provide access to the
2 realtime electronic logbook to the following:

3 (1) Any person authorized to prescribe or dispense products containing ephedrine,
4 pseudoephedrine, or phenylpropanolamine for the purpose of providing medical care or
5 pharmaceutical care;

6 (2) A local, state, or federal law enforcement official or a local, state, or federal
7 prosecutor;

8 (3) A local, state, or federal official who requests access for the purpose of
9 facilitating a product recall necessary for the protection of the public health and safety;
10 and

11 (4) The state board of pharmacy for the purpose of investigating any violations
12 outlined in section 338.055.

13 2. Except as authorized in subsection 1 of this section, the department shall not
14 disclose any information entered, collected, recorded, transmitted, or maintained in the
15 realtime electronic logbook.

16 3. Information entered into the realtime electronic logbook shall remain
17 confidential.

 338.405. 1. A person commits the crime of unauthorized disclosure if such person
2 knowingly:

3 (1) Releases or discloses to any unauthorized person any confidential information
4 collected and maintained under sections 338.400 and 338.403; or

5 (2) Obtains confidential information for a purpose not authorized under sections
6 338.400 and 338.403.

7 2. Any person who commits the crime of unauthorized disclosure is guilty of a class
8 A misdemeanor.

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