

SECOND REGULAR SESSION

HOUSE BILL NO. 2504

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROORDA.

Read 1st time March 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4779L.01I

AN ACT

To repeal section 195.017, RSMo, and to enact in lieu thereof one new section relating to the scheduling of controlled substances, 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Section A. Section 195.017, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 195.017, to read as follows:

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

(1) Has high potential for abuse; and

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

2. Schedule I:

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

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

(a) Acetyl-alpha-methylfentanyl;

(b) Acetylmethadol;

(c) Allylprodine;

(d) Alphacetylmethadol;

(e) Alphameprodine;

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.

- 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) 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) 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, dextrophan 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, with the exception of**
242 **suspensions, syrups, or elixirs, which contain any quantity of the following substances**
243 **known to be chemical precursors of certain substances having a stimulant effect on the**
244 **central nervous system: pseudoephedrine, its salts, isomers, and salts of isomers;**
245 [(4)] (5) Any material, compound, mixture, or preparation which contains any quantity
246 of the following substances having a depressant effect on the central nervous system, including
247 its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts
248 of isomers is possible within the specific chemical designation:
249 (a) Amobarbital;
250 (b) Glutethimide;
251 (c) Pentobarbital;
252 (d) Phencyclidine;
253 (e) Secobarbital;
254 [(5)] (6) Any material, compound or compound which contains any quantity of nabilone;
255 [(6)] (7) Any material, compound, mixture, or preparation which contains any quantity
256 of the following substances:
257 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
258 (b) Immediate precursors to phencyclidine (PCP):
259 a. 1-phenylcyclohexylamine;
260 b. 1-piperidinocyclohexanecarbonitrile (PCC).
261 5. The department of health and senior services shall place a substance in Schedule III
262 if it finds that:
263 (1) The substance has a potential for abuse less than the substances listed in Schedules
264 I and II;
265 (2) The substance has currently accepted medical use in treatment in the United States;
266 and

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

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

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

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

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

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

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

285 c. Secobarbital;
286 d. Pentobarbital;

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

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

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

293 (d) Chlorhexadol;
294 (e) Ketamine, its salts, isomers, and salts of isomers;
295 (f) Lysergic acid;
296 (g) Lysergic acid amide;
297 (h) Methyprylon;
298 (i) Sulfondiethylmethane;
299 (j) Sulfonethylmethane;
300 (k) Sulfonmethane;
301 (l) Tiletamine and zolazepam or any salt thereof;

302 (3) Nalorphine;

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

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

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

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

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

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

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

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

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

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

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

339 compound, mixture or preparation containing any quantity of the following substances, including
340 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
341 within the specific chemical designation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

445 (ff) Methohexital;
446 (gg) Methylphenobarbital;
447 (hh) Midazolam;
448 (ii) Nimetazepam;
449 (jj) Nitrazepam;
450 (kk) Nordiazepam;
451 (ll) Oxazepam;
452 (mm) Oxazolam;
453 (nn) Paraldehyde;
454 (oo) Petrichloral;
455 (pp) Phenobarbital;
456 (qq) Pinazepam;
457 (rr) Prazepam;
458 (ss) Quazepam;
459 (tt) Temazepam;
460 (uu) Tetrazepam;
461 (vv) Triazolam;
462 (ww) Zaleplon;
463 (xx) Zolpidem;

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

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

470 (a) Cathine ((+)-norpseudoephedrine);
471 (b) Diethylpropion;
472 (c) Fencamfamin;
473 (d) Fenproporex;
474 (e) Mazindol;
475 (f) Mefenorex;
476 (g) Modafinil;
477 (h) Pemoline, including organometallic complexes and chelates thereof;
478 (i) Phentermine;
479 (j) Pipradrol;
480 (k) Sibutramine;

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

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

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

522 11. If any compound, mixture, or preparation as specified in subdivision (3) of
523 subsection 10 of this section **or subdivision (4) of subsection 4 of this section** is dispensed,
524 sold, or distributed in a pharmacy without a prescription:

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

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

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

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

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

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

543 (3) The date of each purchase; and

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

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

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

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

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

558 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
559 section, **subdivision (4) of subsection 4 of this section**, and subsections 11, 12, 14, and 15 of
560 this section shall not apply to any compounds, mixtures, or preparations that are in liquid or
561 liquid-filled gel capsule form or to any compound, mixture, or preparation specified in
562 subdivision (3) of subsection 10 of this section **or subdivision (4) of subsection 4 of this**
563 **section** which must 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 II and** Schedule V controlled
575 substances, as described in subdivision (3) of subsection 10 of this section **and as described in**
576 **subdivision (4) of subsection 4 of this section**, for distributors as registered by the department
577 of health and senior services.

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