

SECOND REGULAR SESSION

HOUSE BILL NO. 2033

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PAGE.

Read 1st time February 6, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4955L.01I

AN ACT

To repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

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

Section A. Sections 195.010, 195.017, and 195.417, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, 195.399, and 195.417, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) ["Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2)] "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

[(3)] (2) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,

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 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

15 [(4)] (3) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney
16 general authorized to investigate, commence and prosecute an action under sections 195.005 to
17 195.425;

18 [(5)] (4) "Controlled substance", a drug, substance, or immediate precursor in Schedules
19 I through V listed in sections 195.005 to 195.425;

20 [(6)] (5) "Controlled substance analogue", a substance the chemical structure of which
21 is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

22 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
23 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
24 nervous system of a controlled substance included in Schedule I or II; or

25 (b) With respect to a particular individual, which that individual represents or intends
26 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
27 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
28 system of a controlled substance included in Schedule I or II. The term does not include a
29 controlled substance; any substance for which there is an approved new drug application; any
30 substance for which an exemption is in effect for investigational use, for a particular person,
31 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
32 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
33 not intended for human consumption before such an exemption takes effect with respect to the
34 substance;

35 [(7)] (6) "Counterfeit substance", a controlled substance which, or the container or
36 labeling of which, without authorization, bears the trademark, trade name, or other identifying
37 mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or
38 dispenser other than the person who in fact manufactured, distributed, or dispensed the
39 substance;

40 [(8)] (7) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
41 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
42 substance, whether or not there is an agency relationship, and includes a sale;

43 [(9)] (8) "Dentist", a person authorized by law to practice dentistry in this state;

44 [(10)] (9) "Depressant or stimulant substance":

45 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
46 or any derivative of barbituric acid which has been designated by the United States Secretary of
47 Health and Human Services as habit forming under 21 U.S.C. 352(d);

48 (b) A drug containing any quantity of:

- 49 a. Amphetamine or any of its isomers;
- 50 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
- 51 c. Any substance the United States Attorney General, after investigation, has found to
- 52 be, and by regulation designated as, habit forming because of its stimulant effect on the central
- 53 nervous system;
- 54 (c) Lysergic acid diethylamide; or
- 55 (d) Any drug containing any quantity of a substance that the United States Attorney
- 56 General, after investigation, has found to have, and by regulation designated as having, a
- 57 potential for abuse because of its depressant or stimulant effect on the central nervous system or
- 58 its hallucinogenic effect;
- 59 [(11)] **(10)** "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate
- 60 user or research subject by or pursuant to the lawful order of a practitioner including the
- 61 prescribing, administering, packaging, labeling, or compounding necessary to prepare the
- 62 substance for such delivery. "Dispenser" means a practitioner who dispenses;
- 63 [(12)] **(11)** "Distribute", to deliver other than by administering or dispensing a controlled
- 64 substance;
- 65 [(13)] **(12)** "Distributor", a person who distributes;
- 66 [(14)] **(13)** "Drug":
- 67 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
- 68 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
- 69 supplement to any of them;
- 70 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
- 71 prevention of disease in humans or animals;
- 72 (c) Substances, other than food, intended to affect the structure or any function of the
- 73 body of humans or animals; and
- 74 (d) Substances intended for use as a component of any article specified in this
- 75 subdivision. It does not include devices or their components, parts or accessories;
- 76 [(15)] "Drug-dependent person", a person who is using a controlled substance and who
- 77 is in a state of psychic or physical dependence, or both, arising from the use of such substance
- 78 on a continuous basis. Drug dependence is characterized by behavioral and other responses
- 79 which include a strong compulsion to take the substance on a continuous basis in order to
- 80 experience its psychic effects or to avoid the discomfort caused by its absence;
- 81 [(16)] **(14)** "Drug enforcement agency", the Drug Enforcement Administration in the
- 82 United States Department of Justice, or its successor agency;
- 83 [(17)] **(15)** "Drug paraphernalia", all equipment, products, substances and materials of
- 84 any kind which are used, intended for use, or designed for use, in planting, propagating,

85 cultivating, growing, harvesting, manufacturing, compounding, converting, producing,
86 processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise
87 introducing into the human body a controlled substance or an imitation controlled substance in
88 violation of sections 195.005 to 195.425. It includes, but is not limited to:

89 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
90 growing or harvesting of any species of plant which is a controlled substance or from which a
91 controlled substance can be derived;

92 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
93 converting, producing, processing, or preparing controlled substances or imitation controlled
94 substances;

95 (c) Isomerization devices used, intended for use, or designed for use in increasing the
96 potency of any species of plant which is a controlled substance or an imitation controlled
97 substance;

98 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
99 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
100 substances;

101 (e) Scales and balances used, intended for use, or designed for use in weighing or
102 measuring controlled substances or imitation controlled substances;

103 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
104 and lactose, used, intended for use, or designed for use in cutting controlled substances or
105 imitation controlled substances;

106 (g) Separation gins and sifters used, intended for use, or designed for use in removing
107 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

108 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
109 designed for use in compounding controlled substances or imitation controlled substances;

110 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
111 for use in packaging small quantities of controlled substances or imitation controlled substances;

112 (j) Containers and other objects used, intended for use, or designed for use in storing or
113 concealing controlled substances or imitation controlled substances;

114 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
115 for use in parenterally injecting controlled substances or imitation controlled substances into the
116 human body;

117 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
118 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

119 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
120 permanent screens, hashish heads, or punctured metal bowls;

- 121 b. Water pipes;
- 122 c. Carburetion tubes and devices;
- 123 d. Smoking and carburetion masks;
- 124 e. Roach clips meaning objects used to hold burning material, such as a marijuana
- 125 cigarette, that has become too small or too short to be held in the hand;
- 126 f. Miniature cocaine spoons and cocaine vials;
- 127 g. Chamber pipes;
- 128 h. Carburetor pipes;
- 129 i. Electric pipes;
- 130 j. Air-driven pipes;
- 131 k. Chillums;
- 132 l. Bongs;
- 133 m. Ice pipes or chillers;
- 134 (m) Substances used, intended for use, or designed for use in the manufacture of a
- 135 controlled substance;
- 136 In determining whether an object, product, substance or material is drug paraphernalia, a court
- 137 or other authority should consider, in addition to all other logically relevant factors, the
- 138 following:
 - 139 (a) Statements by an owner or by anyone in control of the object concerning its use;
 - 140 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
 - 141 state or federal law relating to any controlled substance or imitation controlled substance;
 - 142 (c) The proximity of the object, in time and space, to a direct violation of sections
 - 143 195.005 to 195.425;
 - 144 (d) The proximity of the object to controlled substances or imitation controlled
 - 145 substances;
 - 146 (e) The existence of any residue of controlled substances or imitation controlled
 - 147 substances on the object;
 - 148 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
 - 149 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
 - 150 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
 - 151 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
 - 152 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - 153 (g) Instructions, oral or written, provided with the object concerning its use;
 - 154 (h) Descriptive materials accompanying the object which explain or depict its use;
 - 155 (i) National or local advertising concerning its use;
 - 156 (j) The manner in which the object is displayed for sale;

157 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
158 or related items to the community, such as a licensed distributor or dealer of tobacco products;
159 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
160 of the business enterprise;
161 (m) The existence and scope of legitimate uses for the object in the community;
162 (n) Expert testimony concerning its use;
163 (o) The quantity, form or packaging of the product, substance or material in relation to
164 the quantity, form or packaging associated with any legitimate use for the product, substance or
165 material;
166 [(18)] **(16)** "Federal narcotic laws", the laws of the United States relating to controlled
167 substances;
168 [(19)] **(17)** "Hospital", a place devoted primarily to the maintenance and operation of
169 facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of
170 three or more nonrelated individuals suffering from illness, disease, injury, deformity or other
171 abnormal physical conditions; or a place devoted primarily to provide, for not less than
172 twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated
173 individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding
174 homes as defined in chapter 198, RSMo;
175 [(20)] **(18)** "Immediate precursor", a substance which:
176 (a) The state department of health and senior services has found to be and by rule
177 designates as being the principal compound commonly used or produced primarily for use in the
178 manufacture of a controlled substance;
179 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
180 of a controlled substance; and
181 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
182 controlled substance;
183 [(21)] **(19)** "Imitation controlled substance", a substance that is not a controlled
184 substance, which by dosage unit appearance (including color, shape, size and markings), or by
185 representations made, would lead a reasonable person to believe that the substance is a controlled
186 substance. In determining whether the substance is an "imitation controlled substance" the court
187 or authority concerned should consider, in addition to all other logically relevant factors, the
188 following:
189 (a) Whether the substance was approved by the federal Food and Drug Administration
190 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
191 Drug Administration approved package, with the federal Food and Drug Administration
192 approved labeling information;

193 (b) Statements made by an owner or by anyone else in control of the substance
194 concerning the nature of the substance, or its use or effect;

195 (c) Whether the substance is packaged in a manner normally used for illicit controlled
196 substances;

197 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
198 or federal law related to controlled substances or fraud;

199 (e) The proximity of the substances to controlled substances;

200 (f) Whether the consideration tendered in exchange for the noncontrolled substance
201 substantially exceeds the reasonable value of the substance considering the actual chemical
202 composition of the substance and, where applicable, the price at which over-the-counter
203 substances of like chemical composition sell. An imitation controlled substance does not include
204 a placebo or registered investigational drug either of which was manufactured, distributed,
205 possessed or delivered in the ordinary course of professional practice or research;

206 [(22)] (20) "Laboratory", a laboratory approved by the department of health and senior
207 services as proper to be entrusted with the custody of controlled substances but does not include
208 a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

209 [(23)] (21) "Manufacture", the production, preparation, propagation, compounding or
210 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
211 substance, either directly or by extraction from substances of natural origin, or independently by
212 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
213 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
214 This term does not include the preparation or compounding of a controlled substance or an
215 imitation controlled substance or the preparation, compounding, packaging or labeling of a
216 narcotic or dangerous drug:

217 (a) By a practitioner as an incident to his administering or dispensing of a controlled
218 substance or an imitation controlled substance in the course of his professional practice, or

219 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,
220 or as an incident to, research, teaching or chemical analysis and not for sale;

221 [(24)] (22) "Marijuana", all parts of the plant genus Cannabis in any species or form
222 thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,
223 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin
224 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
225 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
226 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
227 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin

228 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
229 germination;

230 [(25)] (23) "Methamphetamine precursor drug", any drug containing ephedrine,
231 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
232 isomers;

233 [(26)] (24) "Narcotic drug", any of the following, whether produced directly or indirectly
234 by extraction from substances of vegetable origin, or independently by means of chemical
235 synthesis, or by a combination of extraction and chemical analysis:

236 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
237 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
238 esters, ethers, and salts is possible within the specific chemical designation. The term does not
239 include the isoquinoline alkaloids of opium;

240 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
241 and derivatives of ecgonine or their salts have been removed;

242 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

243 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

244 (e) Any compound, mixture, or preparation containing any quantity of any substance
245 referred to in paragraphs (a) to (d) of this subdivision;

246 [(27)] (25) "Official written order", an order written on a form provided for that purpose
247 by the United States Commissioner of Narcotics, under any laws of the United States making
248 provision therefor, if such order forms are authorized and required by federal law, and if no such
249 order form is provided, then on an official form provided for that purpose by the department of
250 health and senior services;

251 [(28)] (26) "Opiate", any substance having an addiction-forming or addiction-sustaining
252 liability similar to morphine or being capable of conversion into a drug having addiction-forming
253 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
254 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
255 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

256 [(29)] (27) "Opium poppy", the plant of the species *Papaver somniferum* L., except its
257 seeds;

258 [(30)] (28) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144,
259 RSMo, of a drug other than a controlled substance;

260 [(31)] (29) "Person", an individual, corporation, government or governmental
261 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
262 other legal or commercial entity;

263 [(32)] **(30)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
264 where the context so requires, the owner of a store or other place of business where controlled
265 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
266 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
267 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
268 pharmacy laws of this state;

269 [(33)] **(31)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

270 [(34)] **(32)** "Possessed" or "possessing a controlled substance", a person, with the
271 knowledge of the presence and nature of a substance, has actual or constructive possession of
272 the substance. A person has actual possession if he has the substance on his person or within easy
273 reach and convenient control. A person who, although not in actual possession, has the power
274 and the intention at a given time to exercise dominion or control over the substance either
275 directly or through another person or persons is in constructive possession of it. Possession may
276 also be sole or joint. If one person alone has possession of a substance possession is sole. If two
277 or more persons share possession of a substance, possession is joint;

278 [(35)] **(33)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
279 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
280 permitted by this state to distribute, dispense, conduct research with respect to or administer or
281 to use in teaching or chemical analysis, a controlled substance in the course of professional
282 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
283 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
284 controlled substance in the course of professional practice or research;

285 [(36)] **(34)** "Production", includes the manufacture, planting, cultivation, growing, or
286 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
287 substance;

288 [(37)] **(35)** "Registry number", the number assigned to each person registered under the
289 federal controlled substances laws;

290 [(38)] **(36)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such
291 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

292 [(39)] **(37)** "State" when applied to a part of the United States, includes any state,
293 district, commonwealth, territory, insular possession thereof, and any area subject to the legal
294 authority of the United States of America;

295 [(40)] **(38)** "Ultimate user", a person who lawfully possesses a controlled substance or
296 an imitation controlled substance for his own use or for the use of a member of his household
297 or for administering to an animal owned by him or by a member of his household;

298 [(41)] (39) "Wholesaler", a person who supplies drug paraphernalia or controlled
299 substances or imitation controlled substances that he himself has not produced or prepared, on
300 official written orders, but not on prescriptions.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

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) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

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

- 69 (a) Acetorphine;

- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methyl sulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) [Morphine] **Myrophine**;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;

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

- 96 (a) [4-bromo-2,5-dimethoxyamphetamine] **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] **4-methyl-2, 5-dimethoxyamphetamine**;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;

- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
107 (l) [N-hydroxy-3, 4-methylenedioxyamphetamine] **N-hydroxy-3, 4-**
108 **methylenedioxyamphetamine;**
109 (m) 3,4,5-trimethoxyamphetamine;
110 (n) Alpha-ethyltryptamine;
111 (o) Benzylpiperazine or B.P.;
112 (p) Bufotenine;
113 (q) Diethyltryptamine;
114 (r) Dimethyltryptamine;
115 (s) Ibogaine;
116 (t) Lysergic acid diethylamide;
117 (u) Marijuana; (Marihuana);
118 (v) Mescaline;
119 (w) Parahexyl;
120 (x) Peyote, to include all parts of the plant presently classified botanically as Lophophora
121 Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
122 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
123 its seed or extracts;
124 (y) N-ethyl-3-piperidyl benzilate;
125 (z) N-methyl-3-piperidyl benzilate;
126 (aa) Psilocybin;
127 (bb) Psilocyn;
128 (cc) Tetrahydrocannabinols;
129 (dd) Ethylamine analog of phencyclidine;
130 (ee) Pyrrolidine analog of phencyclidine;
131 (ff) Thiophene analog of phencyclidine;
132 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
133 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
134 (ii) Salvia divinorum;
135 (jj) Salvinorin A;
136 (5) Any material, compound, mixture or preparation containing any quantity of the
137 following substances having a depressant effect on the central nervous system, including their
138 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
139 isomers is possible within the specific chemical designation:
140 (a) Gamma hydroxybutyric acid;
141 (b) Mecloqualone;

- 142 (c) Methaqualone;
- 143 (6) Any material, compound, mixture or preparation containing any quantity of the
- 144 following substances having a stimulant effect on the central nervous system, including their
- 145 salts, isomers and salts of isomers:
- 146 (a) Aminorex;
- 147 (b) Cathinone;
- 148 (c) Fenethylline;
- 149 (d) Methcathinone;
- 150 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
- 151 (f) N-ethylamphetamine;
- 152 (g) N,N-dimethylamphetamine;
- 153 (7) A temporary listing of substances subject to emergency scheduling under federal law
- 154 shall include any material, compound, mixture or preparation which contains any quantity of the
- 155 following substances:
- 156 (a) [N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide] **N-(1-benzyl-4-piperidyl)-N157**
- 157 **phenylpropanamide** (benzylfentanyl), its optical isomers, salts and salts of isomers;
- 158 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
- 159 optical isomers, salts and salts of isomers;
- 160 (c) Alpha-Methyltryptamine, or (AMT);
- 161 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 162 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
- 163 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
- 164 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 165 3. The department of health and senior services shall place a substance in Schedule II
- 166 if it finds that:
- 167 (1) The substance has high potential for abuse;
- 168 (2) The substance has currently accepted medical use in treatment in the United States,
- 169 or currently accepted medical use with severe restrictions; and
- 170 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 171 4. The controlled substances listed in this subsection are included in Schedule II:
- 172 (1) Any of the following substances whether produced directly or indirectly by extraction
- 173 from substances of vegetable origin, or independently by means of chemical synthesis, or by
- 174 combination of extraction and chemical synthesis:
- 175 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
- 176 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
- 177 nalmeferine, naloxone and naltrexone, and their respective salts but including the following:

- 178 a. Raw opium;
- 179 b. Opium extracts;
- 180 c. Opium fluid;
- 181 d. Powdered opium;
- 182 e. Granulated opium;
- 183 f. Tincture of opium;
- 184 g. Codeine;
- 185 h. Ethylmorphine;
- 186 i. Etorphine hydrochloride;
- 187 j. Hydrocodone;
- 188 k. Hydromorphone;
- 189 l. Metopon;
- 190 m. Morphine;
- 191 n. Oxycodone;
- 192 o. Oxymorphone;
- 193 p. Thebaine;
- 194 (b) Any salt, compound, derivative, or preparation thereof which is chemically
- 195 equivalent or identical with any of the substances referred to in this subdivision, but not
- 196 including the isoquinoline alkaloids of opium;
- 197 (c) Opium poppy and poppy straw;
- 198 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
- 199 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
- 200 with any of these substances, but not including decocainized coca leaves or extractions which
- 201 do not contain cocaine or ecgonine;
- 202 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
- 203 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 204 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
- 205 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
- 206 the specific chemical designation, dextrophan and levopropoxyphene excepted:
- 207 (a) Alfentanil;
- 208 (b) Alphaprodine;
- 209 (c) Anileridine;
- 210 (d) Bezitramide;
- 211 (e) Bulk Dextropropoxyphene;
- 212 (f) Carfentanil;
- 213 (g) Butyl nitrite;

- 214 (h) Dihydrocodeine;
215 (i) Diphenoxylate;
216 (j) Fentanyl;
217 (k) Isomethadone;
218 (l) Levo-alphacetylmethadol;
219 (m) Levomethorphan;
220 (n) Levorphanol;
221 (o) Metazocine;
222 (p) Methadone;
223 (q) Meperidine;
224 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
225 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
226 acid;
227 (t) Pethidine;
228 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
229 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
230 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
231 (x) Phenazocine;
232 (y) Piminodine;
233 (z) Racemethorphan;
234 (aa) Racemorphan;
235 (bb) Sufentanil;
236 (3) Any material, compound, mixture, or preparation which contains any quantity of the
237 following substances having a stimulant effect on the central nervous system:
238 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
239 (b) **Lisdexamfetamine dimesylate**;
240 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
241 [(c)] (d) Phenmetrazine and its salts;
242 [(d)] (e) Methylphenidate;
243 (4) Any material, compound, mixture, or preparation which contains any quantity of the
244 following substances having a depressant effect on the central nervous system, including its salts,
245 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
246 is possible within the specific chemical designation:
247 (a) Amobarbital;
248 (b) Glutethimide;
249 (c) Pentobarbital;

250 (d) Phencyclidine;
251 (e) Secobarbital;
252 (5) Any material, compound or compound which contains any quantity of nabilone;
253 (6) Any material, compound, mixture, or preparation which contains any quantity of the
254 following substances:
255 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
256 (b) Immediate precursors to phencyclidine (PCP):
257 a. 1-phenylcyclohexylamine;
258 b. 1-piperidinocyclohexanecarbonitrile (PCC).
259 5. The department of health and senior services shall place a substance in Schedule III
260 if it finds that:
261 (1) The substance has a potential for abuse less than the substances listed in Schedules
262 I and II;
263 (2) The substance has currently accepted medical use in treatment in the United States;
264 and
265 (3) Abuse of the substance may lead to moderate or low physical dependence or high
266 psychological dependence.
267 6. The controlled substances listed in this subsection are included in Schedule III:
268 (1) Any material, compound, mixture, or preparation which contains any quantity of the
269 following substances having a potential for abuse associated with a stimulant effect on the
270 central nervous system:
271 (a) Benzphetamine;
272 (b) Chlorphentermine;
273 (c) Clortermine;
274 (d) Phendimetrazine;
275 (2) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances or salts having a depressant effect on the central nervous system:
277 (a) Any material, compound, mixture or preparation which contains any quantity or salt
278 of the following substances combined with one or more active medicinal ingredients:
279 a. Amobarbital;
280 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
281 a drug product for which an application has been approved under Section 505 of the Federal
282 Food, Drug, and Cosmetic Act;
283 c. Secobarbital;
284 d. Pentobarbital;
285 (b) Any suppository dosage form containing any quantity or salt of the following:

- 286 a. Amobarbital;
287 b. Secobarbital;
288 c. Pentobarbital;
289 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
290 salt;
291 (d) Chlorhexadol;
292 (e) Ketamine, its salts, isomers, and salts of isomers;
293 (f) Lysergic acid;
294 (g) Lysergic acid amide;
295 (h) Methyprylon;
296 (i) Sulfondiethylmethane;
297 (j) Sulfonethylmethane;
298 (k) Sulfonmethane;
299 (l) Tiletamine and zolazepam or any salt thereof;
300 (3) Nalorphine;
301 (4) Any material, compound, mixture, or preparation containing limited quantities of any
302 of the following narcotic drugs or their salts:
303 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
304 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
305 of opium;
306 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
307 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
308 therapeutic amounts;
309 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
310 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
311 isoquinoline alkaloid of opium;
312 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
313 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
314 ingredients in recognized therapeutic amounts;
315 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
316 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
317 therapeutic amounts;
318 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
319 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
320 ingredients in recognized therapeutic amounts;

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

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

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

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

- 340 (a) [Boldenone;
- 341 (b) Chlorotestosterone (4-Chlortestosterone);
- 342 (c) Clostebol;
- 343 (d) Dehydrochlormethyltestosterone;
- 344 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 345 (f) Drostanolone;
- 346 (g) Ethylestrenol;
- 347 (h) Fluoxymesterone;
- 348 (i) Formebolone (Formebolone);
- 349 (j) Mesterolone;
- 350 (k) Methandienone;
- 351 (l) Methandranone;
- 352 (m) Methandriol;
- 353 (n) Methandrostenolone;
- 354 (o) Methenolone;
- 355 (p) Methyltestosterone;
- 356 (q) Mibolerone;

- 357 (r) Nandrolone;
 358 (s) Norethandrolone;
 359 (t) Oxandrolone;
 360 (u) Oxymesterone;
 361 (v) Oxymetholone;
 362 (w) Stanolone;
 363 (x) Stanozolol;
 364 (y) Testolactone;
 365 (z) Testosterone;
 366 (aa) Trenbolone;
 367 (bb)] **3 β ,17-dihydroxy-5 α -androstane;**
 368 **(b) 3 α ,17 β -dihydroxy-5 α -androstane;**
 369 **(c) 5 α -androstan-3,17-dione;**
 370 **(d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);**
 371 **(e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);**
 372 **(f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);**
 373 **(g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);**
 374 **(h) 1-androstenedione ([5 α] -androst-1-en-3,17-dione);**
 375 **(i) 4-androstenedione (androst-4-en-3,17-dione);**
 376 **(j) 5-androstenedione (androst-5-en-3,17-dione);**
 377 **(k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
 378 **(l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);**
 379 **(m) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
 380 **(n) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);**
 381 **(o) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-**
 382 **1,4-dien-3-one);**
 383 **(p) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-**
 384 **one);**
 385 **(q) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);**
 386 **(r) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);**
 387 **(s) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);**
 388 **(t) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);**
 389 **(u) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);**
 390 **(v) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c] -furazan);**
 391 **(w) 13 β -ethyl-17 α -hydroxygon-4-en-3-one;**
 392 **(x) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);**

- 393 (y) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
 394 (z) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
 395 (aa) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α] -androstan-3-one);
 396 (bb) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
 397 (cc) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
 398 (dd) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
 399 (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
 400 (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
 401 (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene);
 402 (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-
 403 en-3-one);
 404 (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
 405 (jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
 406 (kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
 407 (ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
 408 (mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-
 409 en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
 410 (nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
 411 (oo) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 412 (pp) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
 413 (qq) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 414 (rr) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
 415 (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 416 (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 417 (uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
 418 (vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 419 (ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
 420 (xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
 421 (yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α] -androstan-3-one);
 422 (zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 423 (aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α] -
 424 androstan-3-one);
 425 (bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α] -androst-2-eno[3,2-c] -pyrazole);
 426 (ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α] -androst-1-en-3-one);
 427 (ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
 428 lactone);

429 **(eee) Testosterone (17 β -hydroxyandrost-4-en-3-one);**
430 **(fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);**
431 **(ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**
432 **(hhh) Any salt, ester, or isomer of a drug or substance described or listed in this**
433 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
434 which is expressly intended for administration through implants to cattle or other nonhuman
435 species and which has been approved by the Secretary of Health and Human Services for that
436 administration;
437 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
438 United States Food and Drug Administration approved drug product. Some other names for
439 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
440 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);
441 (8) The department of health and senior services may except by rule any compound,
442 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
443 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
444 195.320 if the compound, mixture, or preparation contains one or more active medicinal
445 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
446 admixtures are included therein in combinations, quantity, proportion, or concentration that
447 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
448 the central nervous system.
449 7. The department of health and senior services shall place a substance in Schedule IV
450 if it finds that:
451 (1) The substance has a low potential for abuse relative to substances in Schedule III;
452 (2) The substance has currently accepted medical use in treatment in the United States;
453 and
454 (3) Abuse of the substance may lead to limited physical dependence or psychological
455 dependence relative to the substances in Schedule III.
456 8. The controlled substances listed in this subsection are included in Schedule IV:
457 (1) Any material, compound, mixture, or preparation containing any of the following
458 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
459 as set forth below:
460 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
461 of atropine sulfate per dosage unit;
462 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
463 propionoxybutane);

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

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

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

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

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

477 (a) Alprazolam;

478 (b) Barbitol;

479 (c) Bromazepam;

480 (d) Camazepam;

481 (e) Chloral betaine;

482 (f) Chloral hydrate;

483 (g) Chlordiazepoxide;

484 (h) Clobazam;

485 (i) Clonazepam;

486 (j) Clorazepate;

487 (k) Clotiazepam;

488 (l) Cloxazolam;

489 (m) Delorazepam;

490 (n) Diazepam;

491 (o) Dichloralphenazone;

492 (p) Estazolam;

493 (q) Ethchlorvynol;

494 (r) Ethinamate;

495 (s) Ethyl loflazepate;

496 (t) Fludiazepam;

497 (u) Flunitrazepam;

498 (v) Flurazepam;

499 (w) Halazepam;

- 500 (x) Haloxazolam;
501 (y) Ketazolam;
502 (z) Loprazolam;
503 (aa) Lorazepam;
504 (bb) Lormetazepam;
505 (cc) Mebutamate;
506 (dd) Medazepam;
507 (ee) Meprobamate;
508 (ff) Methohexital;
509 (gg) Methylphenobarbital;
510 (hh) Midazolam;
511 (ii) Nimetazepam;
512 (jj) Nitrazepam;
513 (kk) Nordiazepam;
514 (ll) Oxazepam;
515 (mm) Oxazolam;
516 (nn) Paraldehyde;
517 (oo) Petrichloral;
518 (pp) Phenobarbital;
519 (qq) Pinazepam;
520 (rr) Prazepam;
521 (ss) Quazepam;
522 (tt) Temazepam;
523 (uu) Tetrazepam;
524 (vv) Triazolam;
525 (ww) Zaleplon;
526 (xx) Zolpidem;
527 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**
528 (3) Any material, compound, mixture, or preparation which contains any quantity of the
529 following substance including its salts, isomers and salts of isomers whenever the existence of
530 such salts, isomers and salts of isomers is possible: fenfluramine;
531 (4) Any material, compound, mixture or preparation containing any quantity of the
532 following substances having a stimulant effect on the central nervous system, including their
533 salts, isomers and salts of isomers:
534 (a) Cathine ((+)-norpseudoephedrine);
535 (b) Diethylpropion;

- 536 (c) Fencamfamin;
537 (d) Fenproporex;
538 (e) Mazindol;
539 (f) Mefenorex;
540 (g) Modafinil;
541 (h) Pemoline, including organometallic complexes and chelates thereof;
542 (i) Phentermine;
543 (j) Pipradrol;
544 (k) Sibutramine;
545 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
546 (5) Any material, compound, mixture or preparation containing any quantity of the
547 following substance, including its salts:
548 (a) butorphanol;
549 (b) pentazocine;
550 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
551 is the only active medicinal ingredient;
552 (7) The department of health and senior services may except by rule any compound,
553 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
554 subsection from the application of all or any part of sections 195.010 to 195.320 if the
555 compound, mixture, or preparation contains one or more active medicinal ingredients not having
556 a depressant effect on the central nervous system, and if the admixtures are included therein in
557 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
558 substances which have a depressant effect on the central nervous system.
559 9. The department of health and senior services shall place a substance in Schedule V
560 if it finds that:
561 (1) The substance has low potential for abuse relative to the controlled substances listed
562 in Schedule IV;
563 (2) The substance has currently accepted medical use in treatment in the United States;
564 and
565 (3) The substance has limited physical dependence or psychological dependence liability
566 relative to the controlled substances listed in Schedule IV.
567 10. The controlled substances listed in this subsection are included in Schedule V:
568 (1) Any compound, mixture or preparation containing any of the following narcotic
569 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
570 forth below, which also contains one or more nonnarcotic active medicinal ingredients in

571 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
572 qualities other than those possessed by the narcotic drug alone:

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

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

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

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

582 (3) Any compound, mixture, or preparation containing any detectable quantity of
583 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
584 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
585 isomers, or salts of optical isomers;

586 **(4) Unless specifically exempted or excluded or unless listed in another schedule,**
587 **any material, compound, mixture, or preparation which contains any quantity of the**
588 **following substances having a depressant effect on the central nervous system, including**
589 **its salts: pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].**

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

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

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

602 (3) The pharmacist, **intern pharmacist**, or registered pharmacy technician shall require
603 any person, **prior to their** purchasing, receiving or otherwise acquiring such compound, mixture,
604 or preparation[, who is not known to the pharmacist or registered pharmacy technician,] to
605 furnish suitable photo identification **that is issued by a state or the federal government or a**

606 **document that, with respect to identification, is considered acceptable and** showing the date
607 of birth of the person;

608 **(4) The seller shall deliver the product directly into the custody of the purchaser.**

609 12. [Within ninety days of the enactment of this section,] Pharmacists, **intern**
610 **pharmacists**, and registered pharmacy technicians shall implement and maintain [a written or]
611 **an** electronic log of each transaction. Such log shall include the following information:

612 (1) The name [and] , address, **and signature** of the purchaser;

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

614 (3) The date **and time** of each purchase; and

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

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

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

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

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

629 [17.] **16.** The scheduling of substances specified in subdivision (3) of subsection 10 of
630 this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
631 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
632 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
633 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

634 [18.] **17.** The manufacturer of a drug product or another interested party may apply with
635 the department of health and senior services for an exemption from this section. The department
636 of health and senior services may grant an exemption by rule from this section if the department
637 finds the drug product is not used in the illegal manufacture of methamphetamine or other
638 controlled or dangerous substances. The department of health and senior services shall rely on
639 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
640 proposed product can be used to manufacture illicit controlled substances.

641 [19.] 18. The department of health and senior services shall revise and republish the
642 schedules annually.

643 [20.] 19. The department of health and senior services shall promulgate rules under
644 chapter 536, RSMo, regarding the security and storage of Schedule V controlled substances, as
645 described in subdivision (3) of subsection 10 of this section, for distributors as registered by the
646 department of health and senior services.

195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited as the
2 "Drug Monitoring Act".

3 2. Notwithstanding the provisions of section 195.010, as used in sections 195.378 to
4 195.399, the following terms mean:

5 (1) "Controlled substance", as defined in section 195.010;

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

7 (3) "Dispenser", a person who delivers a schedule II, III, IV, or V controlled
8 substance to the ultimate user, but does not include:

9 (a) A hospital as defined in section 197.020, RSMo, that distributes such substances
10 for the purpose of inpatient hospital care or dispenses prescriptions for controlled
11 substances at the time of discharge from such facility;

12 (b) A practitioner or other authorized person who administers such a substance;

13 (c) A wholesale distributor of a schedule II, III, IV, or V controlled substance; or

14 (d) An ambulatory surgical center, as defined in section 197.200, RSMo, that
15 distributes such substances for the purpose of providing care in such facility or dispenses
16 controlled substances at the time of discharge from such facility;

17 (4) "Patient", a person or animal who is the ultimate user of a drug for whom a
18 prescription is issued or for whom a drug is dispensed;

19 (5) "Schedule II, III, IV, or V controlled substance", a controlled substance that
20 is listed in schedule II, III, IV, or V of the schedules provided under this chapter or the
21 Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.381. 1. Subject to appropriations, the department of health and senior services
2 shall establish and maintain a program for the monitoring of prescribing and dispensing
3 of all schedule II, III, IV, and V controlled substances except schedule V controlled
4 substances containing any detectable amount of pseudoephedrine that do not require a
5 prescription, by all professionals licensed to prescribe or dispense such substances in this
6 state.

7 2. Each dispenser shall submit to the department by electronic means information
8 regarding each dispensing of a drug included in subsection 1 of this section. The

9 information required by the department to be submitted for each dispensing may include,
10 but not be limited to:

- 11 (1) The dispenser's United States Drug Enforcement Administration registration
12 number;
- 13 (2) The date the drug is dispensed or the prescription is filled;
- 14 (3) The prescription number, if applicable;
- 15 (4) Whether the prescription is new or a refill;
- 16 (5) The NDC code for the drug dispensed;
- 17 (6) The number of days' supply of the drug dispensed;
- 18 (7) The quantity dispensed;
- 19 (8) Any identification issued by a state or federal government to the patient, or any
20 other acceptable identification as defined by the department by rule;
- 21 (9) The patient's name, address, and date of birth;
- 22 (10) The prescriber's United States Drug Enforcement Administration registration
23 number, if applicable;
- 24 (11) The date the prescription is issued by the prescriber, if applicable; and
- 25 (12) The source of payment for the drug, as defined by regulation promulgated by
26 the department.

27 3. Each dispenser shall submit the information in accordance with transmission
28 methods and frequency established by the department by regulation; except that, each
29 dispenser shall report at least every thirty days between the first and fifteenth of the month
30 following the month the drug was dispensed.

31 4. The department may issue a waiver to a dispenser that is unable to submit
32 dispensing information by electronic means. Such waiver may permit the dispenser to
33 submit dispensing information by paper form or other means, provided all information
34 required in subsection 2 of this section is submitted in such alternative format.

195.384. 1. Controlled substance dispensing information submitted to the
2 department shall be confidential and not subject to public disclosure under chapter 610,
3 RSMo, except as provided in subsections 3 to 5 of this section.

4 2. The department shall maintain procedures to ensure that the privacy and
5 confidentiality of patients and patient information collected, recorded, transmitted, and
6 maintained is not disclosed to persons except as provided in subsections 3 to 5 of this
7 section.

8 3. The department shall review the dispensing information and, if there is
9 reasonable cause to believe a violation of law or breach of professional standards may have
10 occurred, the department shall notify the appropriate law enforcement or professional

11 licensing, certification, or regulatory agency or entity, and provide dispensing information
12 required for an investigation.

13 4. The department may provide data in the drug monitoring program to the
14 following persons:

15 (1) Persons authorized to prescribe or dispense controlled substances for the
16 purpose of providing medical or pharmaceutical care for their patients;

17 (2) An individual who requests his or her own drug monitoring information in
18 accordance with state law;

19 (3) The state board of pharmacy;

20 (4) Any state board charged with regulating a professional that has the authority
21 to prescribe controlled substances that requests data related to a specific professional
22 under the authority of that board;

23 (5) Local, state, and federal law enforcement or prosecutorial officials engaged in
24 the administration, investigation, or enforcement of the laws governing licit drugs based
25 on a specific case or under court order;

26 (6) The department of social services regarding MO HealthNet participants;

27 (7) A judge or other judicial authority under a court order;

28 (8) Personnel of the department of health and senior services for the administration
29 and enforcement of sections 195.378 to 195.399; and

30 (9) The department of mental health regarding department program recipients
31 receiving medication or medication-related services.

32 5. The department may provide data to public or private entities for statistical,
33 research, or educational purposes after removing information that could be used to identify
34 individual patients or persons who received prescriptions from dispensers.

35 6. Nothing in sections 195.378 to 195.399 shall require or obligate a dispenser or
36 prescriber to access or check the information in the drug monitoring program prior to
37 dispensing, prescribing, or administering medications or as part of their professional
38 practice. Dispensers and prescribers shall not be liable to any person for any claim of
39 damages as a result of accessing or failing to access the information in the drug monitoring
40 program and no lawsuit may be predicated thereon.

195.387. The department is authorized to contract with any other agency of this
2 state or with a private vendor, as necessary, to ensure the effective operation of the drug
3 monitoring program. Any contractor shall comply with the provisions regarding
4 confidentiality of drug information in section 195.384. Any contractor who knowingly
5 discloses drug monitoring information other than as provided in sections 195.378 to

6 195.399 or who uses such information in a manner and for a purpose in violation of
7 sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.390. The department shall promulgate rules setting forth the procedures and
2 methods of implementing sections 195.378 to 195.399 which shall be consistent with federal
3 regulations, if applicable. Any rule or portion of a rule, as that term is defined in section
4 536.010, RSMo, that is created under the authority delegated in this section shall become
5 effective only if it complies with and is subject to all of the provisions of chapter 536,
6 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
7 nonseverable and if any of the powers vested with the general assembly pursuant to
8 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
9 are subsequently held unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 2008, shall be invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug monitoring
2 information to the department as required in sections 195.378 to 195.399 or knowingly
3 submits the incorrect prescription information is guilty of a class A misdemeanor.

4 2. A person authorized to have drug monitoring information under sections 195.378
5 to 195.399 who knowingly discloses such information in violation of sections 195.378 to
6 195.399 or who uses such information in a manner and for a purpose in violation of
7 sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.396. 1. The department shall implement the following education courses:
2 (1) An orientation course during the implementation phase of the drug monitoring
3 program established in section 195.381;
4 (2) A course for persons who are authorized to access the drug monitoring
5 information but who did not participate in the orientation course;
6 (3) A course for persons who are authorized to access the drug monitoring
7 information but who have violated laws or breached occupational standards involving
8 dispensing, prescribing, and use of substances monitored by the drug monitoring program
9 established in section 195.381. When appropriate, the department shall develop the content
10 of the education courses described in subdivisions (1) to (3) of this subsection.

11 2. The department shall, when appropriate:
12 (1) Work with associations for impaired professionals to ensure intervention,
13 treatment, and ongoing monitoring and followup; and
14 (2) Encourage individual patients who are identified and who have become
15 addicted to substances monitored by the drug monitoring program established in section
16 195.381 to receive addiction treatment.

17 The department of health and senior services shall consult and coordinate with the
18 department of mental health in developing and implementing patient intervention and
19 referrals.

195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

2 (1) The provisions of the new program authorized under sections 195.378 to
3 195.399 shall automatically sunset six years after the effective date of sections 195.378 to
4 195.399 unless reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized under sections 195.378
6 to 195.399 shall automatically sunset six years after the effective date of the reauthorization
7 of sections 195.378 to 195.399; and

8 (3) Sections 195.378 to 195.399 shall terminate on September first of the calendar
9 year immediately following the calendar year in which the program authorized under
10 sections 195.378 to 195.399 is sunset.

195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any
2 quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed**
3 **in a pharmacy pursuant to a valid prescription or to any purchase by an individual of a single**
4 **sales package if that package contains not more than sixty milligrams of pseudoephedrine.**

5 2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to
6 the same individual, and no person shall purchase, receive, or otherwise acquire more than the
7 following amount: any number of packages of any drug product containing any detectable
8 amount of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical
9 isomers, or salts of optical isomers, either as:

10 (1) The sole active ingredient; or

11 (2) One of the active ingredients of a combination drug; or

12 (3) A combination of any of the products specified in subdivisions (1) and (2) of this
13 subsection;

14 in any total amount greater than nine grams, **without regard to the number of transactions.**

15 3. **[All] For mail order sales or sales from a temporary retail location or sales from**
16 **stand which is temporary or capable of being moved from one location to another, whether**
17 **the stand is located within or on the premises of a fixed facility or located on unimproved**
18 **real estate, within any thirty-day period, no person shall sell, dispense, or otherwise**
19 **provide to the same individual, and no person shall purchase, receive, or otherwise acquire**
20 **more than the following amount: any number of packages of any drug product containing**
21 **any detectable amount of ephedrine, phenylpropanolamine or pseudoephedrine, or any of**
22 **their salts or optical isomers, or salts of optical isomers, either as:**

23 (1) The sole active ingredient; or

- 24 **(2) One of the active ingredients of a combination drug; or**
25 **(3) A combination of any of the products specified in subdivisions (1) and (2) of this**
26 **subsection; in any total amount greater than seven and five tenths grams, without regard**
27 **to the number of transactions.**
- 28 **4. Within any twenty-four hour period, no person shall sell, dispense, or otherwise**
29 **provide to the same individual, and no person shall purchase, receive, or otherwise acquire**
30 **more than the following amount: any number of packages of any drug product containing**
31 **any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any**
32 **of their salts or optical isomers, or salts of optical isomers, either as:**
- 33 **(1) The sole active ingredient; or**
34 **(2) One of the active ingredients of a combination drug; or**
35 **(3) A combination of any of the products specified in subdivisions (1) and (2) of this**
36 **subsection; in any total amount greater than three and six tenths grams without regard to**
37 **the number of transactions.**
- 38 **5. With the exception of those compounds, mixtures, or preparations which must**
39 **be offered for sale only from behind the counter in a pharmacy, in offering the products**
40 **for sale, persons selling** packages of any compound, mixture, or preparation containing any
41 detectable quantity of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their
42 salts or optical isomers, or salts of optical isomers, [except those that are excluded from Schedule
43 V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a
44 pharmacy counter where the public is not permitted, and only by a registered pharmacist or
45 registered pharmacy technician under section 195.017.
- 46 **4.] shall place the products such that customers do not have direct access to the**
47 **products before a sale is made. This placement of product shall be either behind the**
48 **counter or in a locked cabinet that is located in an area of the facility involved to which**
49 **customers do not have direct access.**
- 50 **6. The person selling such compound, mixture, or preparation shall require any**
51 **person, prior to their purchasing, receiving or otherwise acquiring such compound,**
52 **mixture, or preparation of such compound, mixture, or preparation, to furnish suitable**
53 **photo identification that is issued by a state or the federal government or a document that,**
54 **with respect to identification, is considered acceptable.**
- 55 **7. The person selling such compound, mixture, or preparation shall maintain an**
56 **electronic log of each transaction. Such log shall include the following information:**
- 57 **(1) The name, address, and signature of the purchaser;**
58 **(2) The name of the product and the amount of the compound, mixture, or**
59 **preparation purchased;**

60 **(3) The date and time of each purchase; and**

61 **(4) The name or initials of the person selling the compound, mixture, or**
62 **preparation to the purchaser.**

63 **8. The seller shall deliver the product directly into the custody of the purchaser.**

64 **9.** This section shall supersede and preempt any local ordinances or regulations,
65 including any ordinances or regulations enacted by any political subdivision of the state. This
66 section shall not apply to [any products that the state department of health and senior services,
67 upon application of a manufacturer, exempts by rule from this section because the product has
68 been formulated in such a way as to effectively prevent the conversion of the active ingredient
69 into methamphetamine, or its salts or precursors or to] the sale of any animal feed products
70 containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

71 [5. Persons selling and dispensing substances containing any detectable amount of
72 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or
73 optical isomers, or salts of optical isomers shall maintain logs, documents, and records as
74 specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are
75 excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to
76 maintain such logs, documents, and records. All logs, records, documents, and electronic
77 information maintained for the dispensing of these products shall be open for inspection and
78 copying by municipal, county, and state or federal law enforcement officers whose duty it is to
79 enforce the controlled substances laws of this state or the United States.

80 6.] **10.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale
81 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
82 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only
83 behind a pharmacy counter where the public is not permitted.

84 [7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or
85 pseudoephedrine products in the course of legitimate business which is in the possession of
86 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in
87 subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled
88 substances registration, shall return these products to a manufacturer or distributor or transfer
89 them to an authorized controlled substance registrant.

90 8.] **11.** Any person who knowingly or recklessly violates this section is guilty of a class
91 A misdemeanor.

92 [9. The provisions of subsection 2 of this section limiting individuals from purchasing
93 the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or
94 preparations that are in liquid or liquid-filled gel capsule form. However, no person shall
95 purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or

96 preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided
97 in subsection 2 of this section.]

Section B. Section A of this act shall become effective January 1, 2009.

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