

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2034
99TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 12, 2018, with recommendation that the Senate Committee Substitute do pass.

5739S.06C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 195.010, 195.017, and 196.070, RSMo, and to enact in lieu thereof sixteen new sections relating to industrial hemp, with penalty provisions.

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

Section A. Sections 195.010, 195.017, and 196.070, RSMo, are repealed
2 and sixteen new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.017, 195.203, 195.740, 195.743, 195.746, 195.749, 195.752, 195.755, 195.756,
4 195.758, 195.764, 195.767, 195.770, 195.773, and 196.070, to read as follows:

195.010. The following words and phrases as used in this chapter and
2 chapter 579, unless the context otherwise requires, mean:

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

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

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

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

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 or contract carrier, public warehouseman, or employee of the carrier or
18 warehouseman while acting in the usual and lawful course of the carrier's or
19 warehouseman's business;

20 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
21 attorney general authorized to investigate, commence and prosecute an action
22 under this chapter;

23 (5) "Controlled substance", a drug, substance, or immediate precursor in
24 Schedules I through V listed in this chapter;

25 (6) "Controlled substance analogue", a substance the chemical structure
26 of which is substantially similar to the chemical structure of a controlled
27 substance in Schedule I or II and:

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

32 (b) With respect to a particular individual, which that individual
33 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
34 the central nervous system substantially similar to the stimulant, depressant, or
35 hallucinogenic effect on the central nervous system of a controlled substance
36 included in Schedule I or II. The term does not include a controlled substance;
37 any substance for which there is an approved new drug application; any
38 substance for which an exemption is in effect for investigational use, for a
39 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
40 (21 U.S.C. Section 355) to the extent conduct with respect to the substance is
41 pursuant to the exemption; or any substance to the extent not intended for
42 human consumption before such an exemption takes effect with respect to the
43 substance;

44 (7) "Counterfeit substance", a controlled substance which, or the container
45 or labeling of which, without authorization, bears the trademark, trade name, or
46 other identifying mark, imprint, number or device, or any likeness thereof, of a
47 manufacturer, distributor, or dispenser other than the person who in fact
48 manufactured, distributed, or dispensed the substance;

49 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
50 from one person to another of drug paraphernalia or of a controlled substance, or
51 an imitation controlled substance, whether or not there is an agency relationship,
52 and includes a sale;

53 (9) "Dentist", a person authorized by law to practice dentistry in this
54 state;

55 (10) "Depressant or stimulant substance":

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

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

62 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

63 c. Any substance the United States Attorney General, after investigation,
64 has found to be, and by regulation designated as, habit forming because of its
65 stimulant effect on the central nervous system;

66 (c) Lysergic acid diethylamide; or

67 (d) Any drug containing any quantity of a substance that the United
68 States Attorney General, after investigation, has found to have, and by regulation
69 designated as having, a potential for abuse because of its depressant or stimulant
70 effect on the central nervous system or its hallucinogenic effect;

71 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
72 ultimate user or research subject by or pursuant to the lawful order of a
73 practitioner including the prescribing, administering, packaging, labeling, or
74 compounding necessary to prepare the substance for such delivery. "Dispenser"
75 means a practitioner who dispenses;

76 (12) "Distribute", to deliver other than by administering or dispensing a
77 controlled substance;

78 (13) "Distributor", a person who distributes;

79 (14) "Drug":

80 (a) Substances recognized as drugs in the official United States
81 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
82 Official National Formulary, or any supplement to any of them;

83 (b) Substances intended for use in the diagnosis, cure, mitigation,
84 treatment or prevention of disease in humans or animals;

85 (c) Substances, other than food, intended to affect the structure or any
86 function of the body of humans or animals; and

87 (d) Substances intended for use as a component of any article specified in
88 this subdivision. It does not include devices or their components, parts or

89 accessories;

90 (15) "Drug-dependent person", a person who is using a controlled
91 substance and who is in a state of psychic or physical dependence, or both, arising
92 from the use of such substance on a continuous basis. Drug dependence is
93 characterized by behavioral and other responses which include a strong
94 compulsion to take the substance on a continuous basis in order to experience its
95 psychic effects or to avoid the discomfort caused by its absence;

96 (16) "Drug enforcement agency", the Drug Enforcement Administration in
97 the United States Department of Justice, or its successor agency;

98 (17) "Drug paraphernalia", all equipment, products, substances and
99 materials of any kind which are used, intended for use, or designed for use, in
100 planting, propagating, cultivating, growing, harvesting, manufacturing,
101 compounding, converting, producing, processing, preparing, storing, containing,
102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
103 body a controlled substance or an imitation controlled substance in violation of
104 this chapter or chapter 579. It includes, but is not limited to:

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

108 (b) Kits used, intended for use, or designed for use in manufacturing,
109 compounding, converting, producing, processing, or preparing controlled
110 substances or imitation controlled substances;

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

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

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

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

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

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

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

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

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

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

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

141 b. Water pipes;

142 c. Carburetion tubes and devices;

143 d. Smoking and carburetion masks;

144 e. Roach clips meaning objects used to hold burning material, such as a
145 marijuana cigarette, that has become too small or too short to be held in the
146 hand;

147 f. Miniature cocaine spoons and cocaine vials;

148 g. Chamber pipes;

149 h. Carburetor pipes;

150 i. Electric pipes;

151 j. Air-driven pipes;

152 k. Chillums;

153 l. Bongos;

154 m. Ice pipes or chillers;

155 (m) Substances used, intended for use, or designed for use in the
156 manufacture of a controlled substance;

157 In determining whether an object, product, substance or material is drug
158 paraphernalia, a court or other authority should consider, in addition to all other
159 logically relevant factors, the following:

160 a. Statements by an owner or by anyone in control of the object concerning

161 its use;

162 b. Prior convictions, if any, of an owner, or of anyone in control of the
163 object, under any state or federal law relating to any controlled substance or
164 imitation controlled substance;

165 c. The proximity of the object, in time and space, to a direct violation of
166 this chapter or chapter 579;

167 d. The proximity of the object to controlled substances or imitation
168 controlled substances;

169 e. The existence of any residue of controlled substances or imitation
170 controlled substances on the object;

171 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
172 in control of the object, to deliver it to persons who he or she knows, or should
173 reasonably know, intend to use the object to facilitate a violation of this chapter
174 or chapter 579; the innocence of an owner, or of anyone in control of the object,
175 as to direct violation of this chapter or chapter 579 shall not prevent a finding
176 that the object is intended for use, or designed for use as drug paraphernalia;

177 g. Instructions, oral or written, provided with the object concerning its
178 use;

179 h. Descriptive materials accompanying the object which explain or depict
180 its use;

181 i. National or local advertising concerning its use;

182 j. The manner in which the object is displayed for sale;

183 k. Whether the owner, or anyone in control of the object, is a legitimate
184 supplier of like or related items to the community, such as a licensed distributor
185 or dealer of tobacco products;

186 l. Direct or circumstantial evidence of the ratio of sales of the object to the
187 total sales of the business enterprise;

188 m. The existence and scope of legitimate uses for the object in the
189 community;

190 n. Expert testimony concerning its use;

191 o. The quantity, form or packaging of the product, substance or material
192 in relation to the quantity, form or packaging associated with any legitimate use
193 for the product, substance or material;

194 (18) "Federal narcotic laws", the laws of the United States relating to
195 controlled substances;

196 (19) "Hospital", a place devoted primarily to the maintenance and

197 operation of facilities for the diagnosis, treatment or care, for not less than
198 twenty-four hours in any week, of three or more nonrelated individuals suffering
199 from illness, disease, injury, deformity or other abnormal physical conditions; or
200 a place devoted primarily to provide, for not less than twenty-four consecutive
201 hours in any week, medical or nursing care for three or more nonrelated
202 individuals. The term "hospital" does not include convalescent, nursing, shelter
203 or boarding homes as defined in chapter 198;

204 (20) "Immediate precursor", a substance which:

205 (a) The state department of health and senior services has found to be and
206 by rule designates as being the principal compound commonly used or produced
207 primarily for use in the manufacture of a controlled substance;

208 (b) Is an immediate chemical intermediary used or likely to be used in the
209 manufacture of a controlled substance; and

210 (c) The control of which is necessary to prevent, curtail or limit the
211 manufacture of the controlled substance;

212 (21) "Imitation controlled substance", a substance that is not a controlled
213 substance, which by dosage unit appearance (including color, shape, size and
214 markings), or by representations made, would lead a reasonable person to believe
215 that the substance is a controlled substance. In determining whether the
216 substance is an imitation controlled substance the court or authority concerned
217 should consider, in addition to all other logically relevant factors, the following:

218 (a) Whether the substance was approved by the federal Food and Drug
219 Administration for over-the-counter (nonprescription or nonlegend) sales and was
220 sold in the federal Food and Drug Administration approved package, with the
221 federal Food and Drug Administration approved labeling information;

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

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

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

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

229 (f) Whether the consideration tendered in exchange for the noncontrolled
230 substance substantially exceeds the reasonable value of the substance considering
231 the actual chemical composition of the substance and, where applicable, the price
232 at which over-the-counter substances of like chemical composition sell. An

233 imitation controlled substance does not include a placebo or registered
234 investigational drug either of which was manufactured, distributed, possessed or
235 delivered in the ordinary course of professional practice or research;

236 (22) **"Illegal industrial hemp":**

237 (a) **All nonseed parts and varieties of the Cannabis sativa plant,**
238 **growing or not, that contain an average delta-9 tetrahydrocannabinol**
239 **(THC) concentration exceeding three-tenths of one percent on a dry**
240 **weight basis;**

241 (b) **"Illegal industrial hemp" shall be destroyed by appropriate**
242 **means carried out under the supervision of the Missouri state highway**
243 **patrol in coordination with local law enforcement agencies;**

244 (23) **"Industrial hemp":**

245 (a) **All nonseed parts and varieties of the Cannabis sativa plant,**
246 **growing or not, that contain an average delta-9 tetrahydrocannabinol**
247 **(THC) concentration that does not exceed three-tenths of one percent**
248 **on a dry weight basis or the maximum concentration allowed under**
249 **federal law, whichever is greater;**

250 (b) **Any Cannabis sativa seed that is part of a growing crop,**
251 **retained by a grower for future planting, or used for processing into or**
252 **use as agricultural hemp seed;**

253 (c) **"Industrial hemp" includes industrial hemp commodities and**
254 **products and topical or ingestible animal and consumer products**
255 **derived from industrial hemp with a delta-9 tetrahydrocannabinol**
256 **concentration of not more than three-tenths of one percent on a dry**
257 **weight basis;**

258 (24) **"Laboratory", a laboratory approved by the department of health and**
259 **senior services as proper to be entrusted with the custody of controlled substances**
260 **but does not include a pharmacist who compounds controlled substances to be**
261 **sold or dispensed on prescriptions;**

262 [(23)] (25) **"Manufacture", the production, preparation, propagation,**
263 **compounding or processing of drug paraphernalia or of a controlled substance, or**
264 **an imitation controlled substance, either directly or by extraction from substances**
265 **of natural origin, or independently by means of chemical synthesis, or by a**
266 **combination of extraction and chemical synthesis, and includes any packaging or**
267 **repackaging of the substance or labeling or relabeling of its container. This term**
268 **does not include the preparation or compounding of a controlled substance or an**

269 imitation controlled substance or the preparation, compounding, packaging or
270 labeling of a narcotic or dangerous drug:

271 (a) By a practitioner as an incident to his or her administering or
272 dispensing of a controlled substance or an imitation controlled substance in the
273 course of his or her professional practice, or

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

277 [(24)] **(26)** "Marijuana", all parts of the plant genus Cannabis in any
278 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
279 **industrial hemp**, Cannabis Indica, Cannabis Americana, Cannabis Ruderalis,
280 and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin
281 extracted from any part of the plant; and every compound, manufacture, salt,
282 derivative, mixture, or preparation of the plant, its seeds or resin. It does not
283 include the mature stalks of the plant, fiber produced from the stalks, oil or cake
284 made from the seeds of the plant, any other compound, manufacture, salt,
285 derivative, mixture or preparation of the mature stalks (except the resin extracted
286 therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable
287 of germination;

288 [(25)] **(27)** "Methamphetamine precursor drug", any drug containing
289 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
290 isomers, or salts of optical isomers;

291 [(26)] **(28)** "Narcotic drug", any of the following, whether produced
292 directly or indirectly by extraction from substances of vegetable origin, or
293 independently by means of chemical synthesis, or by a combination of extraction
294 and chemical analysis:

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

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

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

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

304 (e) Any compound, mixture, or preparation containing any quantity of any

305 substance referred to in paragraphs (a) to (d) of this subdivision;

306 [(27)] **(29)** "Official written order", an order written on a form provided
307 for that purpose by the United States Commissioner of Narcotics, under any laws
308 of the United States making provision therefor, if such order forms are authorized
309 and required by federal law, and if no such order form is provided, then on an
310 official form provided for that purpose by the department of health and senior
311 services;

312 [(28)] **(30)** "Opiate", any substance having an addiction-forming or
313 addiction-sustaining liability similar to morphine or being capable of conversion
314 into a drug having addiction-forming or addiction-sustaining liability. The term
315 includes its racemic and levorotatory forms. It does not include, unless
316 specifically controlled under section 195.017, the dextrorotatory isomer of
317 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

318 [(29)] **(31)** "Opium poppy", the plant of the species *Papaver somniferum*
319 L., except its seeds;

320 [(30)] **(32)** "Over-the-counter sale", a retail sale licensed pursuant to
321 chapter 144 of a drug other than a controlled substance;

322 [(31)] **(33)** "Person", an individual, corporation, government or
323 governmental subdivision or agency, business trust, estate, trust, partnership,
324 joint venture, association, or any other legal or commercial entity;

325 [(32)] **(34)** "Pharmacist", a licensed pharmacist as defined by the laws of
326 this state, and where the context so requires, the owner of a store or other place
327 of business where controlled substances are compounded or dispensed by a
328 licensed pharmacist; but nothing in this chapter shall be construed as conferring
329 on a person who is not registered nor licensed as a pharmacist any authority,
330 right or privilege that is not granted to him by the pharmacy laws of this state;

331 [(33)] **(35)** "Poppy straw", all parts, except the seeds, of the opium poppy,
332 after mowing;

333 [(34)] **(36)** "Possessed" or "possessing a controlled substance", a person,
334 with the knowledge of the presence and nature of a substance, has actual or
335 constructive possession of the substance. A person has actual possession if he has
336 the substance on his or her person or within easy reach and convenient control.
337 A person who, although not in actual possession, has the power and the intention
338 at a given time to exercise dominion or control over the substance either directly
339 or through another person or persons is in constructive possession of
340 it. Possession may also be sole or joint. If one person alone has possession of a

341 substance possession is sole. If two or more persons share possession of a
342 substance, possession is joint;

343 [(35)] (37) "Practitioner", a physician, dentist, optometrist, podiatrist,
344 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
345 registered or otherwise permitted by this state to distribute, dispense, conduct
346 research with respect to or administer or to use in teaching or chemical analysis,
347 a controlled substance in the course of professional practice or research in this
348 state, or a pharmacy, hospital or other institution licensed, registered, or
349 otherwise permitted to distribute, dispense, conduct research with respect to or
350 administer a controlled substance in the course of professional practice or
351 research;

352 [(36)] (38) "Production", includes the manufacture, planting, cultivation,
353 growing, or harvesting of drug paraphernalia or of a controlled substance or an
354 imitation controlled substance;

355 [(37)] (39) "Registry number", the number assigned to each person
356 registered under the federal controlled substances laws;

357 [(38)] (40) "Sale", includes barter, exchange, or gift, or offer therefor, and
358 each such transaction made by any person, whether as principal, proprietor,
359 agent, servant or employee;

360 [(39)] (41) "State" when applied to a part of the United States, includes
361 any state, district, commonwealth, territory, insular possession thereof, and any
362 area subject to the legal authority of the United States of America;

363 [(40)] (42) "Synthetic cannabinoid", includes unless specifically excepted
364 or unless listed in another schedule, any natural or synthetic material, compound,
365 mixture, or preparation that contains any quantity of a substance that is a
366 cannabinoid receptor agonist, including but not limited to any substance listed
367 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
368 analogues; homologues; isomers, whether optical, positional, or geometric; esters;
369 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
370 the isomers, esters, ethers, or salts is possible within the specific chemical
371 designation, however, it shall not include any approved pharmaceutical
372 authorized by the United States Food and Drug Administration;

373 [(41)] (43) "Ultimate user", a person who lawfully possesses a controlled
374 substance or an imitation controlled substance for his or her own use or for the
375 use of a member of his or her household or immediate family, regardless of
376 whether they live in the same household, or for administering to an animal owned

377 by him or by a member of his or her household. For purposes of this section, the
378 phrase "immediate family" means a husband, wife, parent, child, sibling,
379 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

380 [(42)] (44) "Wholesaler", a person who supplies drug paraphernalia or
381 controlled substances or imitation controlled substances that he himself has not
382 produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health and senior services shall place a
2 substance in 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
5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

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

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

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19 (g) Alpha-methylfentanyl;

20 (h) Alpha-methylthiofentanyl;

21 (i) Benzethidine;

22 (j) Betacetylmethadol;

23 (k) Beta-hydroxyfentanyl;

24 (l) Beta-hydroxy-3-methylfentanyl;

25 (m) Betameprodine;

26 (n) Betamethadol;

27 (o) Betaprodine;

28 (p) Clonitazene;

29 (q) Dextromoramide;

30 (r) Diampromide;

- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxidine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;
- 45 (gg) Levophenacymorphan;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;

67 (ccc) Trimeperidine;

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

71 (a) Acetorphine;

72 (b) Acetyldihydrocodeine;

73 (c) Benzylmorphine;

74 (d) Codeine methylbromide;

75 (e) Codeine-N-Oxide;

76 (f) Cyprenorphine;

77 (g) Desomorphine;

78 (h) Dihydromorphine;

79 (i) Drotebanol;

80 (j) Etorphine (except hydrochloride salt);

81 (k) Heroin;

82 (l) Hydromorphenol;

83 (m) Methyldesorphine;

84 (n) Methyldihydromorphine;

85 (o) Morphine methylbromide;

86 (p) Morphine methylsulfonate;

87 (q) Morphine-N-Oxide;

88 (r) Myrophine;

89 (s) Nicocodeine;

90 (t) Nicomorphine;

91 (u) Normorphine;

92 (v) Pholcodine;

93 (w) Thebacon;

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

98 (a) 4-bromo-2, 5-dimethoxyamphetamine;

99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;

100 (c) 2,5-dimethoxyamphetamine;

101 (d) 2,5-dimethoxy-4-ethylamphetamine;

102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;

- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp**;
- 122 (x) Mescaline;
- 123 (y) Parahehexyl;
- 124 (z) Peyote, to include all parts of the plant presently classified botanically
125 as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any
126 extract from any part of such plant; and every compound, manufacture, salt,
127 derivative, mixture or preparation of the plant, its seed or extracts;
- 128 (aa) N-ethyl-3-piperidyl benzilate;
- 129 (bb) N-methyl-3-piperidyl benzilate;
- 130 (cc) Psilocybin;
- 131 (dd) Psilocyn;
- 132 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
133 Cannabis (cannabis plant), **except industrial hemp**, as well as synthetic
134 equivalents of the substances contained in the cannabis plant, or in the resinous
135 extractives of such plant, or synthetic substances, derivatives, and their isomers
136 with similar chemical structure and pharmacological activity to those substances
137 contained in the plant, such as the following:
- 138 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;

- 139 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
140 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
141 d. Any compounds of these structures, regardless of numerical designation
142 of atomic positions covered;
- 143 (ff) Ethylamine analog of phencyclidine;
144 (gg) Pyrrolidine analog of phencyclidine;
145 (hh) Thiophene analog of phencyclidine;
146 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
147 (jj) Salvia divinorum;
148 (kk) Salvinorin A;
149 (ll) Synthetic cannabinoids:
- 150 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
151 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
152 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
153 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
154 further substituted in the indole ring to any extent, whether or not substituted
155 in the naphthyl ring to any extent. Including, but not limited to:
- 156 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
157 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
158 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
159 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
160 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
161 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
162 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
163 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
164 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
165 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
166 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
167 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 168 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
169 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
170 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
171 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
172 ring to any extent, whether or not substituted in the naphthyl ring to any extent;
- 173 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
174 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,

175 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
176 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
177 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

178 d. Any compound structurally derived from 3-phenylacetylindole by
179 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
180 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
181 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
182 ring to any extent, whether or not substituted in the phenyl ring to any
183 extent. Including, but not limited to:

184 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

185 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

186 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

187 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

188 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

189 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
190 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
191 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
192 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
193 to any extent. Including, but not limited to:

194 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]
195 -5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side
196 chain n=4,6, or 7;

197 f. Any compound containing a 3-(benzoyl)indole structure with
198 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
199 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
200 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
201 ring to any extent and whether or not substituted in the phenyl ring to any
202 extent. Including, but not limited to:

203 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

204 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

205 g. CP 50, 556-1, or

206 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]
207 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

208 h. HU-210, or

209 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
210 a-tetrahydrobenzo[c]chromen-1-ol;

- 211 i. HU-211, or
212 Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl
213)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
214 j. CP 50,556-1, or
215 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]
216 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
217 k. Dimethylheptylpyran, or DMHP;
218 (5) Any material, compound, mixture or preparation containing any
219 quantity of the following substances having a depressant effect on the central
220 nervous system, including their salts, isomers and salts of isomers whenever the
221 existence of these salts, isomers and salts of isomers is possible within the
222 specific chemical designation:
223 (a) Gamma-hydroxybutyric acid;
224 (b) Mecloqualone;
225 (c) Methaqualone;
226 (6) Any material, compound, mixture or preparation containing any
227 quantity of the following substances having a stimulant effect on the central
228 nervous system, including their salts, isomers and salts of isomers:
229 (a) Aminorex;
230 (b) N-benzylpiperazine;
231 (c) Cathinone;
232 (d) Fenethylamine;
233 (e) 3-Fluoromethcathinone;
234 (f) 4-Fluoromethcathinone;
235 (g) Mephedrone, or 4-methylmethcathinone;
236 (h) Methcathinone;
237 (i) 4-methoxymethcathinone;
238 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
239 oxazolamine);
240 (k) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-
241 (1-pyrrolidinyl)-1-pentanone);
242 (l) Methylone, or 3,4-Methylenedioxypropylvalerone;
243 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
244 (n) N-ethylamphetamine;
245 (o) N,N-dimethylamphetamine;
246 (7) A temporary listing of substances subject to emergency scheduling

247 under federal law shall include any material, compound, mixture or preparation
248 which contains any quantity of the following substances:

249 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its
250 optical isomers, salts and salts of isomers;

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

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

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

259 (1) The substance has high potential for abuse;

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

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

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

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

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

273 a. Raw opium;

274 b. Opium extracts;

275 c. Opium fluid;

276 d. Powdered opium;

277 e. Granulated opium;

278 f. Tincture of opium;

279 g. Codeine;

280 h. Ethylmorphine;

281 i. Etorphine hydrochloride;

282 j. Hydrocodone;

- 283 k. Hydromorphone;
- 284 l. Metopon;
- 285 m. Morphine;
- 286 n. Oxycodone;
- 287 o. Oxymorphone;
- 288 p. Thebaine;
- 289 (b) Any salt, compound, derivative, or preparation thereof which is
- 290 chemically equivalent or identical with any of the substances referred to in this
- 291 subdivision, but not including the isoquinoline alkaloids of opium;
- 292 (c) Opium poppy and poppy straw;
- 293 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
- 294 leaves, and any salt, compound, derivative, or preparation thereof which is
- 295 chemically equivalent or identical with any of these substances, but not including
- 296 decocainized coca leaves or extractions which do not contain cocaine or ecgonine;
- 297 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
- 298 liquid, solid or powder form which contains the phenanthrene alkaloids of the
- 299 opium poppy);
- 300 (2) Any of the following opiates, including their isomers, esters, ethers,
- 301 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
- 302 and salts is possible within the specific chemical designation, dextrorphan and
- 303 levopropoxyphene excepted:
- 304 (a) Alfentanil;
- 305 (b) Alphaprodine;
- 306 (c) Anileridine;
- 307 (d) Bezitramide;
- 308 (e) Bulk dextropropoxyphene;
- 309 (f) Carfentanil;
- 310 (g) Dihydrocodeine;
- 311 (h) Diphenoxylate;
- 312 (i) Fentanyl;
- 313 (j) Isomethadone;
- 314 (k) Levo-alphaacetylmethadol;
- 315 (l) Levomethorphan;
- 316 (m) Levorphanol;
- 317 (n) Metazocine;
- 318 (o) Methadone;

- 319 (p) Meperidine;
- 320 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
321 4-diphenylbutane;
- 322 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-
323 carboxylic acid;
- 324 (s) Pethidine (meperidine);
- 325 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 326 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 327 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
328 acid;
- 329 (w) Phenazocine;
- 330 (x) Piminodine;
- 331 (y) Racemethorphan;
- 332 (z) Racemorphan;
- 333 (aa) Remifentanil;
- 334 (bb) Sufentanil;
- 335 (cc) Tapentadol;
- 336 (3) Any material, compound, mixture, or preparation which contains any
337 quantity of the following substances having a stimulant effect on the central
338 nervous system:
- 339 (a) Amphetamine, its salts, optical isomers, and salts of its optical
340 isomers;
- 341 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 342 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 343 (d) Phenmetrazine and its salts;
- 344 (e) Methylphenidate;
- 345 (4) Any material, compound, mixture, or preparation which contains any
346 quantity of the following substances having a depressant effect on the central
347 nervous system, including its salts, isomers, and salts of isomers whenever the
348 existence of those salts, isomers, and salts of isomers is possible within the
349 specific chemical designation:
- 350 (a) Amobarbital;
- 351 (b) Glutethimide;
- 352 (c) Pentobarbital;
- 353 (d) Phencyclidine;
- 354 (e) Secobarbital;

- 355 (5) Any material or compound which contains any quantity of nabilone;
356 (6) Any material, compound, mixture, or preparation which contains any
357 quantity of the following substances:
358 (a) Immediate precursor to amphetamine and methamphetamine:
359 Phenylacetone;
360 (b) Immediate precursors to phencyclidine (PCP):
361 a. 1-phenylcyclohexylamine;
362 b. 1-piperidinocyclohexanecarbonitrile (PCC);
363 (7) Any material, compound, mixture, or preparation which contains any
364 quantity of the following alkyl nitrites:
365 (a) Amyl nitrite;
366 (b) Butyl nitrite.
- 367 5. The department of health and senior services shall place a substance
368 in Schedule III if it finds that:
369 (1) The substance has a potential for abuse less than the substances listed
370 in Schedules I and II;
371 (2) The substance has currently accepted medical use in treatment in the
372 United States; and
373 (3) Abuse of the substance may lead to moderate or low physical
374 dependence or high psychological dependence.
- 375 6. The controlled substances listed in this subsection are included in
376 Schedule III:
377 (1) Any material, compound, mixture, or preparation which contains any
378 quantity of the following substances having a potential for abuse associated with
379 a stimulant effect on the central nervous system:
380 (a) Benzphetamine;
381 (b) Chlorphentermine;
382 (c) Clortermine;
383 (d) Phendimetrazine;
384 (2) Any material, compound, mixture or preparation which contains any
385 quantity or salt of the following substances or salts having a depressant effect on
386 the central nervous system:
387 (a) Any material, compound, mixture or preparation which contains any
388 quantity or salt of the following substances combined with one or more active
389 medicinal ingredients:
390 a. Amobarbital;

- 391 b. Secobarbital;
- 392 c. Pentobarbital;
- 393 (b) Any suppository dosage form containing any quantity or salt of the
- 394 following:
- 395 a. Amobarbital;
- 396 b. Secobarbital;
- 397 c. Pentobarbital;
- 398 (c) Any substance which contains any quantity of a derivative of
- 399 barbituric acid or its salt;
- 400 (d) Chlorhexadol;
- 401 (e) Embutramide;
- 402 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
- 403 contained in a drug product for which an application has been approved under
- 404 Section 505 of the federal Food, Drug, and Cosmetic Act;
- 405 (g) Ketamine, its salts, isomers, and salts of isomers;
- 406 (h) Lysergic acid;
- 407 (i) Lysergic acid amide;
- 408 (j) Methyprylon;
- 409 (k) Sulfondiethylmethane;
- 410 (l) Sulfonethylmethane;
- 411 (m) Sulfonmethane;
- 412 (n) Tiletamine and zolazepam or any salt thereof;
- 413 (3) Nalorphine;
- 414 (4) Any material, compound, mixture, or preparation containing limited
- 415 quantities of any of the following narcotic drugs or their salts:
- 416 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 417 more than ninety milligrams per dosage unit, with an equal or greater quantity
- 418 of an isoquinoline alkaloid of opium;
- 419 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 420 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
- 421 ingredients in recognized therapeutic amounts;
- 422 (c) Not more than three hundred milligrams of hydrocodone per one
- 423 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
- 424 fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 425 (d) Not more than three hundred milligrams of hydrocodone per one
- 426 hundred milliliters or not more than fifteen milligrams per dosage unit, with one

427 or more active nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

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

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

444 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
445 pharmacologically related to testosterone (other than estrogens, progestins,
446 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except
447 an anabolic steroid which is expressly intended for administration through
448 implants to cattle or other nonhuman species and which has been approved by
449 the Secretary of Health and Human Services for that administration. If any
450 person prescribes, dispenses, or distributes such steroid for human use, such
451 person shall be considered to have prescribed, dispensed, or distributed an
452 anabolic steroid within the meaning of this subdivision. Unless specifically
453 excepted or unless listed in another schedule, any material, compound, mixture
454 or preparation containing any quantity of the following substances, including its
455 salts, esters and ethers:

456 (a) $3\beta,17$ -dihydroxy-5 α -androstane;

457 (b) 3 $\alpha,17\beta$ -dihydroxy-5 α -androstane;

458 (c) 5 α -androstane-3,17-dione;

459 (d) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α -androst-1-ene);

460 (e) 1-androstenediol (3 $\alpha,17\beta$ -dihydroxy-5 α -androst-1-ene);

461 (f) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-4-ene);

462 (g) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-5-ene);

- 463 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 464 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 465 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 466 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 467 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 468 (m) Boldione;
- 469 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 470 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 471 (p) D e h y d r o c h l o r o m e t h y l t e s t o s t e r o n e
- 472 (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,4-dien-3-one);
- 473 (q) Desoxymethyltestosterone;
- 474 (r) Δ 1 - d i h y d r o t e s t o s t e r o n e (a . k . a .
- 475 '1-testosterone')(17 β -hydroxy-5 α -androst-1-en-3-one);
- 476 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 477 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 478 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 479 (v) F l u o x y m e s t e r o n e
- 480 (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 481 (w) F o r m e b o l o n e
- 482 (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 483 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
- 484 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 485 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 486 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 487 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 488 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 489 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 490 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 491 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 492 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstan-3-one);
- 493 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstan-3-one);
- 494 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 495 (j j) 1 7 α - m e t h y l - 4 - h y d r o x y n a n d r o l o n e
- 496 (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- 497 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 498 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);

- 499 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
500 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
501 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
502 androst-1-en-3-one)(a.k.a. '17-a-methyl-1-testosterone');
503 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
504 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
505 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
506 (ss) 19-nor-4,9(10)-androstadienedione;
507 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
508 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
509 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
510 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
511 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
512 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
513 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
514 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
515 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
516 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
517 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
518 androstan-3-one);
519 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-
520 pyrazole);
521 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
522 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
523 acid lactone);
524 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
525 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-
526 trien-3-one);
527 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
528 (kkk) Any salt, ester, or ether of a drug or substance described or listed
529 in this subdivision, except an anabolic steroid which is expressly intended for
530 administration through implants to cattle or other nonhuman species and which
531 has been approved by the Secretary of Health and Human Services for that
532 administration;
533 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
534 capsule in a United States Food and Drug Administration approved drug product;

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

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

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

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

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

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

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

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

559 (b) Dextropropoxyphene (α -(+)-4-dimethylamino-1,
560 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

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

570 c. Not more than one hundred milligrams of ethylmorphine per one

571 hundred milliliters or per one hundred grams;

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

- 576 (a) Alprazolam;
- 577 (b) Barbital;
- 578 (c) Bromazepam;
- 579 (d) Camazepam;
- 580 (e) Chloral betaine;
- 581 (f) Chloral hydrate;
- 582 (g) Chlordiazepoxide;
- 583 (h) Clobazam;
- 584 (i) Clonazepam;
- 585 (j) Clorazepate;
- 586 (k) Clotiazepam;
- 587 (l) Cloxazolam;
- 588 (m) Delorazepam;
- 589 (n) Diazepam;
- 590 (o) Dichloralphenazone;
- 591 (p) Estazolam;
- 592 (q) Ethchlorvynol;
- 593 (r) Ethinamate;
- 594 (s) Ethyl loflazepate;
- 595 (t) Fludiazepam;
- 596 (u) Flunitrazepam;
- 597 (v) Flurazepam;
- 598 (w) Fospropofol;
- 599 (x) Halazepam;
- 600 (y) Haloxazolam;
- 601 (z) Ketazolam;
- 602 (aa) Loprazolam;
- 603 (bb) Lorazepam;
- 604 (cc) Lormetazepam;
- 605 (dd) Mebutamate;
- 606 (ee) Medazepam;

- 607 (ff) Meprobamate;
608 (gg) Methohexital;
609 (hh) Methylphenobarbital (mephobarbital);
610 (ii) Midazolam;
611 (jj) Nimetazepam;
612 (kk) Nitrazepam;
613 (ll) Nordiazepam;
614 (mm) Oxazepam;
615 (nn) Oxazolam;
616 (oo) Paraldehyde;
617 (pp) Petrichloral;
618 (qq) Phenobarbital;
619 (rr) Pinazepam;
620 (ss) Prazepam;
621 (tt) Quazepam;
622 (uu) Temazepam;
623 (vv) Tetrazepam;
624 (ww) Triazolam;
625 (xx) Zaleplon;
626 (yy) Zolpidem;
627 (zz) Zopiclone;
- 628 (3) Any material, compound, mixture, or preparation which contains any
629 quantity of the following substance including its salts, isomers and salts of
630 isomers whenever the existence of such salts, isomers and salts of isomers is
631 possible: fenfluramine;
- 632 (4) Any material, compound, mixture or preparation containing any
633 quantity of the following substances having a stimulant effect on the central
634 nervous system, including their salts, isomers and salts of isomers:
- 635 (a) Cathine ((+)-norpseudoephedrine);
636 (b) Diethylpropion;
637 (c) Fencamfamin;
638 (d) Fenproporex;
639 (e) Mazindol;
640 (f) Mefenorex;
641 (g) Modafinil;
642 (h) Pemoline, including organometallic complexes and chelates thereof;

- 643 (i) Phentermine;
- 644 (j) Pipradrol;
- 645 (k) Sibutramine;
- 646 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 647 (5) Any material, compound, mixture or preparation containing any
648 quantity of the following substance, including its salts:
- 649 (a) butorphanol;
- 650 (b) pentazocine;
- 651 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when
652 the substance is the only active medicinal ingredient;
- 653 (7) The department of health and senior services may except by rule any
654 compound, mixture, or preparation containing any depressant substance listed in
655 subdivision (1) of this subsection from the application of all or any part of sections
656 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or
657 preparation contains one or more active medicinal ingredients not having a
658 depressant effect on the central nervous system, and if the admixtures are
659 included therein in combinations, quantity, proportion, or concentration that
660 vitiate the potential for abuse of the substances which have a depressant effect
661 on the central nervous system.
- 662 9. The department of health and senior services shall place a substance
663 in Schedule V if it finds that:
- 664 (1) The substance has low potential for abuse relative to the controlled
665 substances listed in Schedule IV;
- 666 (2) The substance has currently accepted medical use in treatment in the
667 United States; and
- 668 (3) The substance has limited physical dependence or psychological
669 dependence liability relative to the controlled substances listed in Schedule IV.
- 670 10. The controlled substances listed in this subsection are included in
671 Schedule V:
- 672 (1) Any compound, mixture or preparation containing any of the following
673 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in
674 limited quantities as set forth below, which also contains one or more nonnarcotic
675 active medicinal ingredients in sufficient proportion to confer upon the compound,
676 mixture or preparation valuable medicinal qualities other than those possessed
677 by the narcotic drug alone:
- 678 (a) Not more than two and five-tenths milligrams of diphenoxylate and not

679 less than twenty-five micrograms of atropine sulfate per dosage unit;

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

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

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

687 (3) Any compound, mixture, or preparation containing any detectable
688 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
689 isomers or any compound, mixture, or preparation containing any detectable
690 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

691 (4) Unless specifically exempted or excluded or unless listed in another
692 schedule, any material, compound, mixture, or preparation which contains any
693 quantity of the following substances having a depressant effect on the central
694 nervous system, including its salts:

695 (a) Lacosamide;

696 (b) Pregabalin.

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

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

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

711 (3) The pharmacist, intern pharmacist, or registered pharmacy technician
712 shall require any person, prior to such person's purchasing, receiving or otherwise
713 acquiring such compound, mixture, or preparation to furnish suitable photo
714 identification that is issued by a state or the federal government or a document

715 that, with respect to identification, is considered acceptable and showing the date
716 of birth of the person;

717 (4) The seller shall deliver the product directly into the custody of the
718 purchaser.

719 12. Pharmacists, intern pharmacists, and registered pharmacy technicians
720 shall implement and maintain an electronic log of each transaction. Such log
721 shall include the following information:

722 (1) The name, address, and signature of the purchaser;

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

724 (3) The date and time of each purchase; and

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

728 13. Each pharmacy shall submit information regarding sales of any
729 compound, mixture, or preparation as specified in subdivision (3) of subsection 10
730 of this section in accordance with transmission methods and frequency
731 established by the department by regulation;

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

734 15. All persons who dispense or offer for sale pseudoephedrine and
735 ephedrine products in a pharmacy shall ensure that all such products are located
736 only behind a pharmacy counter where the public is not permitted.

737 16. The penalties for a knowing or reckless violation of the provisions of
738 subsections 11 to 15 of this section are found in section 579.060.

739 17. The scheduling of substances specified in subdivision (3) of subsection
740 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
741 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
742 capsule form or to any compound, mixture, or preparation specified in subdivision
743 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
744 in a pharmacy pursuant to a prescription.

745 18. The manufacturer of a drug product or another interested party may
746 apply with the department of health and senior services for an exemption from
747 this section. The department of health and senior services may grant an
748 exemption by rule from this section if the department finds the drug product is
749 not used in the illegal manufacture of methamphetamine or other controlled or
750 dangerous substances. The department of health and senior services shall rely

751 on reports from law enforcement and law enforcement evidentiary laboratories in
752 determining if the proposed product can be used to manufacture illicit controlled
753 substances.

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

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

760 21. Logs of transactions required to be kept and maintained by this
761 section and section 195.417 shall create a rebuttable presumption that the person
762 whose name appears in the logs is the person whose transactions are recorded in
763 the logs.

**195.203. Notwithstanding any other provision of this chapter,
2 section 261.265, or chapter 579 to the contrary, any person who has a
3 valid industrial hemp registration as provided under section 195.746
4 may grow, harvest, cultivate, and process industrial hemp, as defined
5 in section 195.010, in accordance with the requirements of such
6 sections.**

**195.740. For the purposes of sections 195.740 to 195.773, the
2 following terms shall mean:**

3 **(1) "Agricultural hemp seed", Cannabis sativa L. seed that meets
4 any labeling, quality, or other standards set by the department of
5 agriculture and that is intended for sale, is sold to, or is purchased by
6 registered growers for planting;**

7 **(2) "Crop", industrial hemp grown under a single registration;**

8 **(3) "Department", the Missouri department of agriculture;**

9 **(4) "Grain", Cannabis sativa L. seed used to make an industrial
10 hemp commodity or product;**

11 **(5) "Grower", a person, joint venture, or cooperative who is a
12 Missouri resident or an entity that is domiciled in this state that
13 produces industrial hemp;**

14 **(6) "Handler", a person, joint venture, or cooperative who is a
15 Missouri resident or an entity that is domiciled in this state that
16 receives industrial hemp for processing into commodities, products,
17 feed, or agricultural hemp seed;**

18 **(7) "Industrial hemp plant monitoring system", a reporting**
19 **system that includes, but is not limited to, testing, transfer reports, and**
20 **data collection maintained by a grower or handler and available to the**
21 **department for purposes of monitoring agricultural hemp seed and**
22 **industrial hemp cultivated as an agricultural product from planting to**
23 **final packaging.**

195.743. 1. There is hereby created an industrial hemp
2 **agricultural pilot program, in accordance with federal law, to be**
3 **implemented by the department to study the growth, cultivation,**
4 **processing, feeding, and marketing of industrial hemp.**

5 **2. Industrial hemp shall be an agricultural product that is**
6 **subject to regulation by the department, including compliance with an**
7 **industrial hemp plant monitoring system.**

195.746. 1. Any grower or handler of industrial hemp shall
2 **obtain a registration from the department. Growers and handlers**
3 **engaged in the production of agricultural hemp seed shall obtain an**
4 **agricultural hemp seed production permit. An agricultural hemp seed**
5 **production permit shall authorize a grower or handler to produce and**
6 **handle agricultural hemp seed for sale to registered industrial hemp**
7 **growers and handlers. The department shall make information that**
8 **identifies sellers of agricultural hemp seed available to growers, and**
9 **any seller of agricultural hemp seed shall ensure that the seed complies**
10 **with any standards established by the department.**

11 **2. An application for an industrial hemp registration or**
12 **agricultural hemp seed production permit shall include:**

13 **(1) The name and address of the applicant;**

14 **(2) The name and address of the industrial hemp or agricultural**
15 **hemp seed operation;**

16 **(3) The global positioning system coordinates and legal**
17 **description for the property used for the industrial hemp or**
18 **agricultural hemp seed operation;**

19 **(4) The application fee, as determined by the department, in an**
20 **amount sufficient to cover the administrative costs of processing**
21 **registration and permit applications; and**

22 **(5) Any other information the department deems necessary.**

23 **3. The department shall issue a registration or permit under this**
24 **section to an applicant who meets the requirements of this section and**

25 section 195.749, who satisfactorily completes a state and federal
26 fingerprint criminal history background check under section 43.543,
27 who signs an acknowledgment that industrial hemp is an experimental
28 crop, and who signs a waiver that holds the department harmless in the
29 event a lawsuit occurs or if the growth, cultivation, processing, feeding,
30 or marketing of industrial hemp or seed is later declared illegal under
31 federal law. The department may charge an applicant an additional fee
32 for the cost of the fingerprint criminal history background check in
33 addition to the registration or permit fee.

34 4. Upon issuance of a registration or permit, information
35 regarding all registration and permit holders shall be forwarded to the
36 Missouri state highway patrol.

37 5. An industrial hemp registration or agricultural hemp seed
38 production permit is:

39 (1) Nontransferable, except such registration or permit may be
40 transferred to a spouse or child who otherwise meets the requirements
41 of a registrant or permittee, and the spouse or child may operate under
42 the existing registration or permit until the registration or permit
43 expires, at which time the renewal shall reflect the change of the
44 registrant or permittee;

45 (2) Valid for a three-year term unless revoked by the department;
46 and

47 (3) Renewable as determined by the department.

195.749. 1. The department may revoke, refuse to issue, or refuse
2 to renew an industrial hemp registration or agricultural hemp seed
3 production permit and may impose a civil penalty of not less than two
4 thousand five hundred dollars or more than fifty thousand dollars for
5 violation of:

6 (1) A registration or permit requirement, term, or condition;

7 (2) Department rules relating to growing or handling industrial
8 hemp;

9 (3) Any industrial hemp plant monitoring system requirement;
10 or

11 (4) A final order of the department that is specifically directed
12 to the grower's or handler's industrial hemp operations or activities.

13 2. A registration or permit shall not be issued to a person who in
14 the five years immediately preceding the application date has been

15 found guilty of, or pled guilty to, a felony offense under any state or
16 federal law regarding the possession, distribution, manufacturing,
17 cultivation, or use of a controlled substance.

18 3. The department may revoke, refuse to issue, or refuse to
19 renew an industrial hemp registration or an agricultural hemp seed
20 production permit for failing to comply with any provision of this
21 chapter, or for a violation of any department rule relating to
22 agricultural operations or activities other than industrial hemp
23 growing or handling.

24 4. The department shall refuse to issue an industrial hemp
25 registration or agricultural hemp seed permit to any applicant if
26 approving such registration or permit would authorize the growth or
27 cultivation of industrial hemp or agricultural hemp seed on a plot of
28 land that is less than ten acres or more than forty acres by any single
29 registrant or permittee, or over two thousand acres of land statewide
30 among all registrants or permittees, notwithstanding the twenty acre
31 limitation for institutions of higher education set forth in section
32 195.767. This subsection shall expire upon the expiration of the federal
33 Agricultural Act of 2014.

195.752. Any person growing industrial hemp who does not have
2 a valid industrial hemp registration issued under section 195.746 shall
3 be subject to an administrative fine of five hundred dollars and shall
4 obtain a valid registration to grow industrial hemp within thirty days.
5 If, during the thirty-day period, such person applies for and receives
6 an industrial hemp registration, the amount of the fine imposed under
7 this section shall be refunded in full. If, during the thirty-day period
8 described in this section, such person fails to obtain an industrial hemp
9 registration, the person shall be fined one thousand dollars per day
10 until such person obtains a registration. After thirty days of failing to
11 obtain an industrial hemp registration and an accumulation of
12 administrative fines exceeding thirty days, the industrial hemp crop
13 shall be destroyed by the department.

195.755. A grower may retain seed from each industrial hemp
2 crop to ensure a sufficient supply of seed for that grower for the
3 following year. A grower shall not be required to obtain an
4 agricultural hemp seed production permit in order to retain seed for
5 future planting. Any seed retained by a grower for future planting

6 shall not be sold or transferred and does not have to meet agricultural
7 hemp seed standards established by the department.

195.756. Notwithstanding sections 281.050 and 281.101 to the
2 contrary, in the growing and handling of industrial hemp consistent
3 with sections 195.740 to 195.773, no retailer of pesticides as defined at
4 7 U.S.C. Section 136, or agricultural chemicals shall be liable for the
5 sale, application, or handling of such products by a producer or
6 applicator in any manner or for any purpose not approved by
7 applicable state and federal agencies. No producer or applicator may
8 use or apply pesticides or agricultural chemicals in the growing or
9 handling of industrial hemp except as approved by state and federal
10 law.

195.758. 1. Every grower or handler shall be subject to an
2 industrial hemp plant monitoring system and shall keep industrial
3 hemp crop and agricultural hemp seed records as required by the
4 department. Upon three days' notice, the department may require an
5 inspection or audit during any normal business hours for the purpose
6 of ensuring compliance with:

- 7 (1) Any provision of sections 195.740 to 195.761;
- 8 (2) Department rules and regulations;
- 9 (3) Industrial hemp registration or agricultural hemp seed
10 production permit requirements, terms, or conditions;
- 11 (4) Any industrial hemp plant monitoring system requirement;
- 12 or
- 13 (5) A final department order directed to the grower's or handler's
14 industrial hemp or agricultural hemp seed operations or activities.

15 2. In addition to any inspection conducted under subsection 1 of
16 this section, the department may inspect any industrial hemp crop
17 during the crop's growth phase and take a representative sample for
18 field analysis. If a crop contains an average delta-9
19 tetrahydrocannabinol concentration exceeding three-tenths of one
20 percent or the maximum concentration allowed under federal law,
21 whichever is greater, on a dry weight basis, the department may detain,
22 seize, or embargo the crop.

23 3. The Missouri state highway patrol may perform aerial
24 surveillance to ensure illegal industrial hemp or marijuana plants are
25 not being cultivated on or near legal, registered industrial hemp

26 plantings.

27 4. The Missouri state highway patrol may coordinate with local
28 law enforcement agencies to destroy illegal industrial hemp and
29 marijuana plants.

30 5. The department shall notify the Missouri state highway patrol
31 and local law enforcement agencies of the need to destroy a crop of
32 industrial hemp deemed illegal through field analysis.

 195.764. 1. The department may charge growers and handlers
2 reasonable fees as determined by the department for the purposes of
3 administering sections 195.740 to 195.761. All fees collected under
4 sections 195.740 to 195.761 shall be deposited in the industrial hemp
5 fund created under this section for use by the department to administer
6 sections 195.740 to 195.761.

7 2. There is hereby created in the state treasury the "Industrial
8 Hemp Fund", which shall consist of money collected under sections
9 195.746 to 195.761. The state treasurer shall be custodian of the fund.
10 In accordance with sections 30.170 and 30.180, the state treasurer may
11 approve disbursements. The fund shall be a dedicated fund and money
12 in the fund shall be used solely by the department of agriculture for the
13 purpose of administering such sections. Notwithstanding the
14 provisions of section 33.080 to the contrary, any moneys remaining in
15 the fund at the end of the biennium shall not revert to the credit of the
16 general revenue fund. The state treasurer shall invest moneys in the
17 fund in the same manner as other funds are invested. Any interest and
18 moneys earned on such investments shall be credited to the fund.

 195.767. 1. An institution of higher education may, in
2 collaboration with the department, engage in the study of the growth,
3 cultivation, or marketing of industrial hemp and agricultural hemp
4 seed. Institutions for higher education shall obtain a registration for
5 the growth of industrial hemp, or a permit for the growth and handling
6 of agricultural hemp seed, from the department as set forth in sections
7 195.746 and 195.749.

8 2. The department shall refuse to issue an industrial hemp
9 registration or agricultural hemp seed permit to any institution of
10 higher education if approving such registration or permit would
11 authorize the growth or cultivation of industrial hemp or agricultural
12 hemp seed by institutions of higher education on over twenty acres of

13 land statewide, notwithstanding the two thousand acre limitation set
14 forth in section 195.749. Notwithstanding subsection 4 of section
15 195.749 to contrary, the department may issue a registration or permit
16 to an institution of higher education for the growth or cultivation of
17 industrial hemp or agricultural hemp seed on a plot of land that is less
18 than ten acres. This subsection shall expire upon the expiration of the
19 federal Agricultural Act of 2014.

195.770. 1. The Missouri Crop Improvement Association, in
2 collaboration with the department, may establish and administer a
3 certification program for agricultural hemp seed in this
4 state. Participation in the certification program shall be voluntary for
5 growers and cultivators of industrial hemp.

6 2. The Missouri Crop Improvement Association, in collaboration
7 with the department, may develop a Missouri heritage seed for
8 industrial hemp. In developing a Missouri heritage seed, the
9 department may:

10 (1) Breed, plant, grow, cultivate, and harvest the plant cannabis;
11 and

12 (2) Collect seeds from wild cannabis plants.

195.773. 1. The department of agriculture shall execute its
2 responsibilities relating to the cultivation of industrial hemp in the
3 most cost-efficient manner possible, including in establishing permit
4 and registration fees. For the purpose of testing industrial hemp for
5 pesticides, the department shall explore the option of transporting
6 samples from Missouri to departments of agriculture or testing
7 laboratories in contiguous states, which participate in an agricultural
8 pilot program authorized by the federal Agricultural Act of 2014, or any
9 state program authorized by successor federal law. All transport
10 between states shall be in compliance with the federal Agricultural Act
11 of 2014, or any successor federal law, as well as any other applicable
12 state and federal law.

13 2. The department shall promulgate rules necessary to
14 administer the provisions of sections 195.740 to 195.770. Any rule or
15 portion of a rule, as that term is defined in section 536.010, that is
16 created under the authority delegated in this section shall become
17 effective only if it complies with and is subject to all of the provisions
18 of chapter 536, and, if applicable, section 536.028. This section and

19 **chapter 536 are nonseverable, and if any of the powers vested with the**
20 **general assembly pursuant to chapter 536 to review, to delay the**
21 **effective date, or to disapprove and annul a rule are subsequently held**
22 **unconstitutional, then the grant of rulemaking authority and any rule**
23 **proposed or adopted after August 28, 2018, shall be invalid and void.**

196.070. 1. A food shall be deemed to be adulterated:

2 (1) If it bears or contains any poisonous or deleterious substance which
3 may render it injurious to health; but in case the substance is not an added
4 substance such food shall not be considered adulterated under this subdivision
5 if the quantity of such substance in such food does not ordinarily render it
6 injurious to health; or

7 (2) If it bears or contains any added poisonous or added deleterious
8 substance which is unsafe within the meaning of section 196.085; or

9 (3) If it consists, in whole or in part, of any diseased, contaminated, filthy,
10 putrid, or decomposed substance, or if it is otherwise unfit for food; or

11 (4) If it has been produced, prepared, packed, or held under insanitary
12 conditions whereby it may have become contaminated with filth or whereby it
13 may have been rendered diseased, unwholesome, or injurious to health; or

14 (5) If it is, in whole or in part, the product of a diseased animal or of an
15 animal which has died otherwise than by slaughter, or that has been fed upon the
16 uncooked offal from a slaughterhouse; or

17 (6) If its container is composed, in whole or in part, of any poisonous or
18 deleterious substance which may render the contents injurious to health; or

19 (7) If any valuable constituent has been in whole or in part omitted or
20 abstracted therefrom; or

21 (8) If any substance has been substituted wholly or in part therefor; or

22 (9) If damage or inferiority has been concealed in any manner; or

23 (10) If any substance has been added thereto or mixed or packed
24 therewith so as to increase its bulk or weight, or reduce its quality or strength or
25 make it appear better or of greater value than it is; or

26 (11) If it is confectionery and it bears or contains any alcohol or
27 nonnutritive article or substance except harmless coloring, harmless flavoring,
28 harmless resinous glaze not in excess of four-tenths of one percent, harmless
29 natural wax not in excess of four-tenths of one percent, harmless natural gum,
30 and pectin; provided, that this subdivision shall not apply to any confectionery,
31 by reason of its containing less than five percent by weight of alcohol, or to any

32 chewing gum by reason of its containing harmless nonnutritive masticatory
33 substances; or

34 (12) If it bears or contains a coal tar color other than one from a batch
35 which has been certified under authority of the federal act.

36 **2. A food shall not be considered adulterated if it contains**
37 **industrial hemp, or an industrial hemp commodity or product.**

✓