

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 363
100TH GENERAL ASSEMBLY

1462H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.007, 8.170, 8.172, 8.177, 8.178, 43.540, 190.092, 195.010, 195.015, 195.017, 217.735, 263.250, 488.5050, 556.061, 559.106, 565.021, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, and 590.120, RSMo, and to enact in lieu thereof thirty-one new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 8.007, 8.170, 8.172, 8.177, 8.178, 43.540, 190.092, 195.010, 195.015, 195.017, 217.735, 263.250, 488.5050, 556.061, 559.106, 565.021, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, and 590.120, RSMo, are repealed and thirty-one new sections enacted in lieu thereof, to be known as sections 8.007, 8.111, 8.170, 8.172, 8.177, 8.178, 43.539, 43.540, 43.548, 190.092, 195.010, 195.015, 195.017, 195.805, 217.735, 263.250, 488.5050, 556.061, 559.106, 565.021, 579.015, 579.020, 579.065, 579.068, 589.400, 589.401, 589.414, 590.120, 640.142, 640.144, and 640.145, to read as follows:

8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007, **including employing staff and retaining such contract services as necessary for performance of the duties and purposes of these sections;**

(2) Evaluate and approve capitol studies and improvement, expansion, renovation, and restoration projects including, but not limited to, the "21st-Century State Capitol Restoration Project", which includes, but is not limited to, the development and implementation of a comprehensive master plan for the restoration, protection, risk management, and continuing preservation of the capitol building, grounds, and any annex areas. For purposes of this section,

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.

10 "annex areas" shall mean the building currently occupied by the Missouri department of
11 transportation located at 105 West Capitol Avenue in Jefferson City, if used to house members
12 of the general assembly or legislative support staff, or any new building constructed for such
13 purposes;

14 (3) Exercise ongoing supervision and coordination of the capitol building, grounds, and
15 any annex areas;

16 (4) Evaluate and recommend courses of action on the restoration and preservation of the
17 capitol, the preservation of historical significance of the capitol and the history of the capitol;

18 (5) Evaluate and recommend courses of action to ensure accessibility to the capitol for
19 physically disabled persons;

20 (6) Advise, consult, and cooperate with the office of administration, the archives division
21 of the office of the secretary of state, the historic preservation program within the department of
22 natural resources, the division of tourism within the department of economic development and
23 the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

24 (7) Be authorized to cooperate or collaborate with other state agencies and not-for-profit
25 organizations to publish books and manuals concerning the history of the capitol, its
26 improvement or restoration;

27 (8) On or before October first of each year, submit to the budget director and the general
28 assembly estimates of the requirements for appropriations for the capitol building, grounds, and
29 any annex areas for the year commencing on the following first day of July;

30 (9) Encourage, participate in, or conduct studies, investigations, and research and
31 demonstrations relating to improvement and restoration of the state capitol it may deem
32 advisable and necessary for the discharge of its duties pursuant to sections 8.001 to 8.007;

33 (10) Hold hearings, issue notices of hearings, and take testimony as the commission
34 deems necessary; and

35 (11) Initiate planning efforts, subject to the appropriation of funds, for a centennial
36 celebration of the laying of the capstone of the Missouri state capitol.

37 2. The "State Capitol Commission Fund" is hereby created in the state treasury. Any
38 moneys received from sources other than appropriation by the general assembly, including from
39 private sources, gifts, donations and grants, shall be credited to the state capitol commission fund
40 and shall be appropriated by the general assembly.

41 3. The provisions of section 33.080 to the contrary notwithstanding, moneys in the
42 second capitol commission fund shall not be transferred and placed to the credit of the general
43 revenue fund. Moneys in the state capitol commission fund shall not be appropriated for any
44 purpose other than those designated by the commission.

45 4. The commission is authorized to accept all gifts, bequests and donations from any
46 source whatsoever. The commission may also apply for and receive grants consistent with the
47 purposes of sections 8.001 to 8.007. All such gifts, bequests, donations and grants shall be used
48 or expended upon appropriation in accordance with their terms or stipulations, and the gifts,
49 bequests, donations or grants may be used or expended for the preservation, improvement,
50 expansion, renovation, restoration and improved accessibility and for promoting the historical
51 significance of the capitol.

52 5. The commission may copyright or obtain a trademark for any photograph, written
53 work, art object, or any product created of the capitol or capitol grounds. The commission may
54 grant access or use of any such works to other organizations or individuals for a fee, at its sole
55 discretion, or waive all fees. All funds obtained through licensing fees shall be credited to the
56 capitol commission fund in a manner similar to funds the commission receives as gifts,
57 donations, and grants. The funds shall be used for repairs, refurbishing, or to create art, exhibits,
58 decorations, or other beautifications or adornments to the capitol or its grounds.

**8.111. 1. There is hereby established the "Capitol Police Board", which shall be
2 composed of five members, as follows:**

- 3 **(1) The governor, or his or her designee;**
- 4 **(2) The speaker of the house of representatives, or his or her designee;**
- 5 **(3) The president pro tempore of the senate, or his or her designee;**
- 6 **(4) The chief justice of the Missouri supreme court, or his or her designee; and**
- 7 **(5) The chair of the state capitol commission.**

8
9 **The lieutenant governor, the chief clerk of the house of representatives, and the secretary
10 of the senate, or their designees, shall serve as ex officio members of the board but shall not
11 have the power to vote. At the first meeting of the board and at yearly intervals thereafter,
12 the members shall select from amongst themselves a chair, a vice chair, and a secretary.**

13 **2. The board shall be assigned to the house of representatives with supervision by
14 the house of representatives only for budgeting and reporting. Such supervision shall not
15 extend to matters relating to policies, regulative functions, or appeals from activities of the
16 board, and no member or employee of the house of representatives shall participate in or
17 interfere with the activities of the board in any manner not specifically provided by law,
18 or at the direction of the board, and no member or employee of the house of
19 representatives shall interfere in any manner with any budget request of or with respect
20 to the withholding of any moneys appropriated to the board by the general assembly.**

21 **3. The board shall provide for public safety at the seat of government and for the
22 safety and security of elected officials, government employees, and their guests as needed**

23 **outside the seat of government. The board shall hire police officers as described in section**
24 **8.177.**

25 **4. The board shall hire a chief of police who shall be certified under chapter 590**
26 **and serve subject to the supervision, and at the pleasure, of the board. The chief of police**
27 **shall:**

28 **(1) Oversee the administrative operations of the capitol police and perform such**
29 **other duties as may be delegated or assigned to the chief by law or by the board;**

30 **(2) Retain contract services as he or she deems necessary, within the limits**
31 **authorized by appropriations by the general assembly;**

32 **(3) Appoint a security detail, both inside and outside the seat of government, for**
33 **the lieutenant governor, members of the general assembly, and any other person when the**
34 **chief, speaker of the house of representatives, and the president pro tempore deem such**
35 **security detail necessary.**

36 **5. The board may promulgate rules relating to the provisions of sections 8.111 to**
37 **8.178. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
38 **created under the authority delegated in this section shall become effective only if it**
39 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
40 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
41 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
42 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
43 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,**
44 **shall be invalid and void.**

8.170. The ~~[director]~~ **Missouri capitol police** shall prosecute, in the name of the state,
2 for all trespasses and injuries of every kind done to the public buildings and other property, and
3 shall attend to the suits relative to the same. The attorney general shall give counsel, or
4 prosecute suits, when required by the ~~[director]~~ **chief.**

8.172. The ~~[commissioner of administration]~~ **capitol police board** shall make rules and
2 regulations for the regulation of traffic and parking at all parking space upon the capitol grounds
3 and upon the grounds of other state buildings located within the capital city. The regulations
4 shall be enforced by the Missouri capitol police.

8.177. 1. The ~~[director of the department of public safety]~~ **capitol police board** shall
2 employ Missouri capitol police officers for public safety at the seat of state government. Each
3 Missouri capitol police officer, upon appointment, shall take and subscribe an oath of office to
4 support the constitution and laws of the United States and the state of Missouri and shall receive
5 a certificate of appointment, a copy of which shall be filed with the secretary of state, granting
6 such police officers all the same powers of arrest held by other police officers to maintain order

7 and preserve the peace in all state-owned or leased buildings, and the grounds thereof, at the seat
8 of government and such buildings and grounds within the county which contains the seat of
9 government.

10 2. The ~~[director of the department of public safety]~~ **capitol police board** shall appoint
11 a sufficient number of Missouri capitol police officers, with available appropriations, as
12 appropriated specifically for the purpose designated in this subsection, so that the capitol grounds
13 may be patrolled at all times, and that traffic and parking upon the capitol grounds and the
14 grounds of other state buildings owned or leased within the capital city and the county which
15 contains the seat of government may be properly controlled. Missouri capitol police officers may
16 make arrests for the violation of parking and traffic regulations promulgated by the office of
17 administration.

18 3. Missouri capitol police officers shall be authorized to arrest a person anywhere in the
19 county that contains the state seat of government, when there is probable cause to believe the
20 person committed a crime within capitol police jurisdiction or when a person commits a crime
21 in the presence of an on-duty capitol police officer.

8.178. Any person who violates sections 8.172 to ~~[8.174, or section]~~ 8.177, or any of the
2 traffic or parking regulations of the ~~[commissioner]~~ **capitol police board** shall be punished as
3 follows:

4 (1) Fines for traffic violations shall not, except as provided by section 301.143, exceed
5 five dollars for overparking, fifteen dollars for double parking and fifty dollars for speeding[,-]
6 ; and

7 (2) The circuit court of Cole County has authority to enforce ~~[this law]~~ **the traffic or**
8 **parking regulations of the capitol police board.**

43.539. 1. As used in this section, the following terms shall mean:

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity;

6 (d) Is actively contracted with or seeks to contract with a qualified entity; or

7 (e) Owns or operates a qualified entity;

8 (2) "Care", the provision of care, treatment, education, training, instruction,
9 supervision, or recreation to youth, elderly, or disabled;

10 (3) "Missouri criminal record review", a review of criminal history records and sex
11 offender registration records pursuant to sections 589.400 to 589.425 maintained by the
12 Missouri state highway patrol in the Missouri criminal records repository;

13 (4) "Missouri Rap Back program", shall include any type of automatic notification
14 made by the Missouri state highway patrol to a qualified entity indicating that an applicant
15 who is employed, licensed, or otherwise under the purview of that entity has been arrested
16 for a reported criminal offense in Missouri as required under section 43.506;

17 (5) "National criminal record review", a review of the criminal history records
18 maintained by the Federal Bureau of Investigation;

19 (6) "National Rap Back program", shall include any type of automatic notification
20 made by the Federal Bureau of Investigation through the Missouri state highway patrol
21 to a qualified entity indicating that an applicant who is employed, licensed, or otherwise
22 under the purview of that entity has been arrested for a reported criminal offense outside
23 the state of Missouri and the fingerprints for that arrest were forwarded to the Federal
24 Bureau of Investigation by the arresting agency;

25 (7) "Patient or resident", a person who by reason of age, illness, disease or physical
26 or mental infirmity receives or requires care or services furnished by an applicant, as
27 defined in this section, or who resides or boards in, or is otherwise kept, cared for, treated
28 or accommodated in a facility as defined in section 198.006, for a period exceeding
29 twenty-four consecutive hours;

30 (8) "Qualified entity", an entity that is a person, business, or organization that
31 provides care, care placement, or educational services for children, the elderly, or persons
32 with disabilities as patients or residents, including a business or organization that licenses
33 or certifies others to provide care or care placement services;

34 (9) "Youth services agency", any agency, school, or association that provides
35 programs, care, or treatment for or which exercises supervision over minors.

36 2. The central repository shall have the authority to submit applicant fingerprints
37 to the National Rap Back program to be retained for the purpose of being searched against
38 future submissions to the National Rap Back program, including latent fingerprint
39 searches. Qualified entities may conduct Missouri and national criminal record reviews
40 on applicants and participate in Missouri and National Rap Back programs for the
41 purpose of determining suitability or fitness for a permit, license, or employment, and shall
42 abide by the following requirements:

43 (1) The qualified entity shall register with the Missouri state highway patrol prior
44 to submitting a request for screening under this section. As part of such registration, the
45 qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and
46 National Rap Back programs;

47 (2) Qualified entities shall notify applicants subject to a criminal record review
48 under this section that the applicant's fingerprints shall be retained by the state central

49 repository and the Federal Bureau of Investigation and shall be searched against other
50 fingerprints on file, including latent fingerprints;

51 (3) Qualified entities shall notify applicants subject to enrollment in the National
52 Rap Back program that the applicant's fingerprints, while retained, may continue to be
53 compared against other fingerprints submitted or retained by the Federal Bureau of
54 Investigation, including latent fingerprints;

55 (4) The criminal record review and Rap Back process described in this section shall
56 be voluntary and conform to the requirements established in the National Child Protection
57 Act of 1993, as amended, and other applicable state or federal law. As a part of the
58 registration, the qualified entity shall agree to comply with state and federal law and shall
59 indicate so by signing an agreement approved by the Missouri state highway patrol. The
60 Missouri state highway patrol may periodically audit qualified entities to ensure
61 compliance with federal law and this section;

62 (5) A qualified entity shall submit to the Missouri state highway patrol a request
63 for screening on applicants covered under this section using a completed fingerprint card;

64 (6) Each request shall be accompanied by a reasonable fee, as provided in section
65 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the
66 national criminal record review and enrollment in the National Rap Back program in
67 compliance with the National Child Protection Act of 1993, as amended, and other
68 applicable state or federal laws;

69 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,
70 the applicant's state criminal history records that are not exempt from disclosure under
71 chapter 610 or are otherwise confidential under law;

72 (8) The national criminal history data shall be available to qualified entities to use
73 only for the purpose of screening applicants as described under this section. The Missouri
74 state highway patrol shall provide the applicant's national criminal history record
75 information directly to the qualified entity;

76 (9) The determination whether the criminal history record shows that the applicant
77 has been convicted of, or has a pending charge, for any crime that bears upon the fitness
78 of the applicant to have responsibility for the safety and well-being of children, the elderly,
79 or disabled persons shall be made solely by the qualified entity. This section shall not
80 require the Missouri state highway patrol to make such a determination on behalf of any
81 qualified entity;

82 (10) The qualified entity shall notify the applicant, in writing, of his or her right to
83 obtain a copy of any criminal record review, including the criminal history records, if any,
84 contained in the report, and of the applicant's right to challenge the accuracy and

85 completeness of any information contained in any such report and to obtain a
86 determination as to the validity of such challenge before a final determination regarding
87 the applicant is made by the qualified entity reviewing the criminal history information.
88 A qualified entity that is required by law to apply screening criteria, including any right
89 to contest or request an exemption from disqualification, shall apply such screening criteria
90 to the state and national criminal history record information received from the Missouri
91 state highway patrol for those applicants subject to the required screening; and

92 (11) Failure to obtain the information authorized under this section with respect
93 to an applicant shall not be used as evidence in any negligence action against a qualified
94 entity. The state, any political subdivision of the state, or any agency, officer, or employee
95 of the state or a political subdivision shall not be liable for damages for providing the
96 information requested under this section.

97 3. The criminal record review shall include the submission of fingerprints to:

98 (1) The Missouri state highway patrol, who shall conduct a Missouri criminal
99 record review, including closed record information under section 610.120; and

100 (2) The Missouri state highway patrol shall also forward a copy of the applicant's
101 fingerprints to the Federal Bureau of Investigation for a national criminal record review.

102 4. The applicant subject to a criminal record review shall provide the following
103 information to the qualified entity:

104 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record
105 review, and participate in the Missouri and National Rap Back programs;

106 (2) Consent to obtain the identifying information required to conduct the criminal
107 record review, which may include, but not be limited to:

108 (a) Name;

109 (b) Date of birth;

110 (c) Height;

111 (d) Weight;

112 (e) Eye color;

113 (f) Hair color;

114 (g) Gender;

115 (h) Race;

116 (i) Place of birth;

117 (j) Social Security number; and

118 (k) The applicant's photo.

119 5. Any information received by an authorized state agency or a qualified entity
120 pursuant to the provisions of this section shall be used solely for internal purposes in

121 **determining the suitability of an applicant. The dissemination of criminal history**
 122 **information from the Federal Bureau of Investigation beyond the authorized state agency**
 123 **or related governmental entity is prohibited. All criminal record check information shall**
 124 **be confidential and any person who discloses the information beyond the scope allowed is**
 125 **guilty of a class A misdemeanor.**

126 **6. A qualified entity enrolled in either the Missouri or National Rap Back programs**
 127 **shall be notified by the Missouri state highway patrol that a new arrest has been reported**
 128 **on an applicant who is employed, licensed, or otherwise under the purview of the qualified**
 129 **entity. Upon receiving the Rap Back notification, if the qualified entity deems that the**
 130 **applicant is still serving in an active capacity, the entity may request and receive the**
 131 **individual's updated criminal history record. This process shall only occur if:**

132 **(1) The agency has abided by all procedures and rules promulgated by the Missouri**
 133 **state highway patrol and Federal Bureau of Investigation regarding the Missouri and**
 134 **National Rap Back programs;**

135 **(2) The individual upon whom the Rap Back notification is being made has**
 136 **previously had a Missouri and national criminal record review completed for the qualified**
 137 **entity under this section within the previous six years; and**

138 **(3) The individual upon whom the Rap Back notification is being made is a current**
 139 **employee, licensee, or otherwise still actively under the purview of the qualified entity.**

140 **7. The highway patrol shall make available or approve the necessary forms,**
 141 **procedures, and agreements necessary to implement the provisions of this section.**

43.540. 1. As used in this section, the following terms mean:

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity; **or**

6 (d) Is actively contracted with or seeks to contract with a qualified entity; ~~or~~

7 ~~(e) Owns or operates a qualified entity;~~

8 ~~(2) "Care", the provision of care, treatment, education, training, instruction, supervision,~~
 9 ~~or recreation;~~

10 ~~(3)] (2) "Missouri criminal record review", a review of criminal history records and sex~~
 11 ~~offender registration records pursuant to sections 589.400 to 589.425 maintained by the Missouri~~
 12 ~~state highway patrol in the Missouri criminal records repository;~~

13 ~~[(4)] (3) "Missouri Rap Back program", shall include any type of automatic notification~~
 14 ~~made by the Missouri state highway patrol to a qualified entity indicating that an applicant who~~

15 is employed, licensed, or otherwise under the purview of that entity has been arrested for a
16 reported criminal offense in Missouri as required under section 43.506;

17 ~~[(5)]~~ **(4)** "National criminal record review", a review of the criminal history records
18 maintained by the Federal Bureau of Investigation;

19 ~~[(6)]~~ **(5)** "National Rap Back program", shall include any type of automatic notification
20 made by the Federal Bureau of Investigation through the Missouri state highway patrol to a
21 qualified entity indicating that an applicant who is employed, licensed, or otherwise under the
22 purview of that entity has been arrested for a reported criminal offense outside the state of
23 Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of
24 Investigation by the arresting agency;

25 ~~[(7)]~~ "Patient or resident", a person who by reason of age, illness, disease or physical or
26 mental infirmity receives or requires care or services furnished by an applicant, as defined in this
27 section, or who resides or boards in, or is otherwise kept, cared for, treated or accommodated in
28 a facility as defined in section 198.006, for a period exceeding twenty-four consecutive hours;

29 ~~—(8)]~~ **(6)** "Qualified entity", an entity that is:

30 ~~(a) [A person, business, or organization, whether public or private, for profit, not for~~
31 ~~profit, or voluntary, that provides care, care placement, or educational services for children, the~~
32 ~~elderly, or persons with disabilities as patients or residents, including a business or organization~~
33 ~~that licenses or certifies others to provide care or care placement services;~~

34 ~~—(b)]~~ An office or division of state, county, or municipal government, including a political
35 subdivision or a board or commission designated by statute or approved local ordinance, to issue
36 or renew a license, permit, certification, or registration of authority;

37 ~~[(e)]~~ **(b)** An office or division of state, county, or municipal government, including a
38 political subdivision or a board or commission designated by statute or approved local ordinance,
39 to make fitness determinations on applications for state, county, or municipal government
40 employment; **or**

41 ~~[(d)]~~ A criminal justice agency, including law enforcement agencies that screen persons
42 seeking issuance or renewal of a license, permit, certificate, or registration to purchase or possess
43 a firearm; **or**

44 ~~—(e)]~~ **(c)** Any entity that is authorized to obtain criminal history record information under
45 28 CFR 20.33[;

46 ~~—(9)]~~ "Youth services agency", any public or private agency, school, or association which
47 provides programs, care or treatment for or which exercises supervision over minors].

48 2. The central repository shall have the authority to submit applicant fingerprints to the
49 National Rap Back program to be retained for the purpose of being searched against future
50 submissions to the National Rap Back program, including latent fingerprint searches. Qualified

51 entities may conduct Missouri and national criminal record reviews on applicants and participate
52 in Missouri and National Rap Back programs for the purpose of determining suitability or fitness
53 for a permit, license, or employment, and shall abide by the following requirements:

54 (1) The qualified entity shall register with the Missouri state highway patrol prior to
55 submitting a request for screening under this section. As part of such registration, the qualified
56 entity shall indicate if it chooses to enroll their applicants in the Missouri and National Rap Back
57 programs;

58 (2) Qualified entities shall notify applicants subject to a criminal record review under
59 this section that the applicant's fingerprints shall be retained by the state central repository and
60 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,
61 including latent fingerprints;

62 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap
63 Back program that the applicant's fingerprints, while retained, may continue to be compared
64 against other fingerprints submitted or retained by the Federal Bureau of Investigation, including
65 latent fingerprints;

66 (4) The criminal record review and Rap Back process described in this section shall be
67 voluntary and conform to the requirements established in [~~the National Child Protection Act of~~
68 ~~1993, as amended,~~] **P.L. 92-544** and other applicable state or federal law. As a part of the
69 registration, the qualified entity shall agree to comply with state and federal law and shall
70 indicate so by signing an agreement approved by the Missouri state highway patrol. The
71 Missouri state highway patrol may periodically audit qualified entities to ensure compliance with
72 federal law and this section;

73 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
74 screening on applicants covered under this section using a completed fingerprint card;

75 (6) Each request shall be accompanied by a reasonable fee, as provided in section
76 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the national
77 criminal record review and enrollment in the National Rap Back program in compliance with
78 [~~the National Child Protection Act of 1993, as amended, and other applicable~~] **applicable** state
79 or federal laws;

80 (7) The Missouri state highway patrol shall provide, directly to the qualified entity, the
81 applicant's state criminal history records that are not exempt from disclosure under chapter 610
82 or are otherwise confidential under law;

83 (8) The national criminal history data shall be available to qualified entities to use only
84 for the purpose of screening applicants as described under this section. The Missouri state
85 highway patrol shall provide the applicant's national criminal history record information directly
86 to the qualified entity;

87 (9) ~~[The determination whether the criminal history record shows that the applicant has~~
88 ~~been convicted of, or has a pending charge, for any crime that bears upon the fitness of the~~
89 ~~applicant to have responsibility for the safety and well-being of children, the elderly, or disabled~~
90 ~~persons shall be made solely by the qualified entity.]~~ This section shall not require the Missouri
91 state highway patrol to make ~~[such a]~~ **an eligibility** determination on behalf of any qualified
92 entity;

93 (10) The qualified entity shall notify the applicant, in writing, of his or her right to obtain
94 a copy of any criminal record review, including the criminal history records, if any, contained
95 in the report, and of the applicant's right to challenge the accuracy and completeness of any
96 information contained in any such report and to obtain a determination as to the validity of such
97 challenge before a final determination regarding the applicant is made by the qualified entity
98 reviewing the criminal history information. A qualified entity that is required by law to apply
99 screening criteria, including any right to contest or request an exemption from disqualification,
100 shall apply such screening criteria to the state and national criminal history record information
101 received from the Missouri state highway patrol for those applicants subject to the required
102 screening; and

103 (11) Failure to obtain the information authorized under this section with respect to an
104 applicant shall not be used as evidence in any negligence action against a qualified entity. The
105 state, any political subdivision of the state, or any agency, officer, or employee of the state or a
106 political subdivision shall not be liable for damages for providing the information requested
107 under this section.

108 3. The criminal record review shall include the submission of fingerprints to:

109 (1) The Missouri state highway patrol, who shall conduct a Missouri criminal record
110 review, including closed record information under section 610.120; and

111 (2) The Missouri state highway patrol shall also forward a copy of the applicant's
112 fingerprints to the Federal Bureau of Investigation for a national criminal record review.

113 4. The applicant subject to a criminal record review shall provide the following
114 information to the qualified entity:

115 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,
116 and participate in the Missouri and National Rap Back programs;

117 (2) Consent to obtain the identifying information required to conduct the criminal record
118 review, which may include, but not be limited to:

119 (a) Name;

120 (b) Date of birth;

121 (c) Height;

122 (d) Weight;

- 123 (e) Eye color;
124 (f) Hair color;
125 (g) Gender;
126 (h) Race;
127 (i) Place of birth;
128 (j) Social Security number; and
129 (k) The applicant's photo.

130 5. Any information received by an authorized state agency or a qualified entity pursuant
131 to the provisions of this section shall be used solely for internal purposes in determining the
132 suitability of an applicant. The dissemination of criminal history information from the Federal
133 Bureau of Investigation beyond the authorized state agency or related governmental entity is
134 prohibited. All criminal record check information shall be confidential and any person who
135 discloses the information beyond the scope allowed is guilty of a class A misdemeanor.

136 6. A qualified entity enrolled in either the Missouri or National Rap Back programs shall
137 be notified by the Missouri state highway patrol that a new arrest has been reported on an
138 applicant who is employed, licensed, or otherwise under the purview of the qualified entity.
139 Upon receiving the Rap Back notification, if the qualified entity deems that the applicant is still
140 serving in an active capacity, the entity may request and receive the individual's updated criminal
141 history record. This process shall only occur if:

142 (1) The agency has abided by all procedures and rules promulgated by the Missouri state
143 highway patrol and Federal Bureau of Investigation regarding the Missouri and National Rap
144 Back programs;

145 (2) The individual upon whom the Rap Back notification is being made has previously
146 had a Missouri and national criminal record review completed for the qualified entity under this
147 section within the previous six years; and

148 (3) The individual upon whom the Rap Back notification is being made is a current
149 employee, licensee, or otherwise still actively under the purview of the qualified entity.

150 7. The highway patrol shall make available or approve the necessary forms, procedures,
151 and agreements necessary to implement the provisions of this section.

**43.548. 1. Missouri circuit courts and the department of social services may require
2 the fingerprinting of applicants for the purpose of adoptions, guardians, conservators,
3 advocates and personal representatives over minors, incapacitated, elderly or disabled
4 persons, including supervision and care over minors or elderly persons or persons with
5 disabilities, for the purpose of positive identification and receiving criminal history
6 information when determining an applicant's ability or fitness to serve in such capacity.**

7 **2. Fingerprint based criminal history record checks submitted under subsection 1**
8 **of this section shall be forwarded to the highway patrol to be used to search the state's**
9 **criminal history repository and the fingerprints shall be forwarded to the Federal Bureau**
10 **of Investigation for a national criminal background check pursuant to section 43.540 and**
11 **pay all applicable fees pursuant to section 43.530. Notwithstanding the provisions of**
12 **section 610.120 to the contrary, all records related to any criminal history information shall**
13 **be accessible and available to the circuit court or state agency making the request.**

190.092. 1. This section shall be known and may be cited as the "Public Access to
2 Automated External Defibrillator Act".

3 2. ~~[A person or entity who acquires an automated external defibrillator shall ensure that:~~
4 ~~—— (1) Expected defibrillator users receive training by the American Red Cross or American~~
5 ~~Heart Association in cardiopulmonary resuscitation and the use of automated external~~
6 ~~defibrillators, or an equivalent nationally recognized course in defibrillator use and~~
7 ~~cardiopulmonary resuscitation;~~
8 ~~—— (2) The defibrillator is maintained and tested according to the manufacturer's operational~~
9 ~~guidelines;~~
10 ~~—— (3) Any person who renders emergency care or treatment on a person in cardiac arrest~~
11 ~~by using an automated external defibrillator activates the emergency medical services system as~~
12 ~~soon as possible; and~~
13 ~~—— (4) Any person or entity that owns an automated external defibrillator that is for use~~
14 ~~outside of a health care facility shall have a physician review and approve the clinical protocol~~
15 ~~for the use of the defibrillator, review and advise regarding the training and skill maintenance~~
16 ~~of the intended users of the defibrillator and assure proper review of all situations when the~~
17 ~~defibrillator is used to render emergency care.~~

18 ~~—— 3. Any person or entity who acquires an automated external defibrillator shall notify the~~
19 ~~emergency communications district or the ambulance dispatch center of the primary provider of~~
20 ~~emergency medical services where the automated external defibrillator is to be located.~~

21 ~~—— 4.] A person or entity that acquires an automated external defibrillator shall do all~~
22 ~~of the following:~~

23 **(1) Comply with all regulations governing the placement of an automated external**
24 **defibrillator;**

25 **(2) Notify an agent of the local EMS agency of the existence, location, and type of**
26 **automated external defibrillator acquired;**

27 **(3) Ensure that the automated external defibrillator is maintained and tested**
28 **according to the operation and maintenance guidelines set forth by the manufacturer;**

29 **(4) Ensure that the automated external defibrillator is tested at least biannually and**
 30 **after each use; and**

31 **(5) Ensure that an inspection is made of all automated external defibrillators on the**
 32 **premises at least every ninety days for potential issues related to operation of the device,**
 33 **including a blinking light or other obvious defect that may suggest tampering or that**
 34 **another problem has arisen with the functionality of the automated external defibrillator.**

35 3. Any person who gratuitously and in good faith renders emergency care by use of or
 36 provision of an automated external defibrillator shall not be held liable for any civil damages or
 37 **subject to a criminal penalty** as a result of such care or treatment, unless the person acts in a
 38 willful and wanton or reckless manner in providing the care, advice, or assistance. The person
 39 or entity ~~[who]~~ **that** provides ~~[appropriate]~~ training to the person using an automated external
 40 defibrillator, the person or entity responsible for the site where the automated external
 41 defibrillator is located, **and** the person or entity that owns the automated external defibrillator~~;~~
 42 ~~the person or entity that provided clinical protocol for automated external defibrillator sites or~~
 43 ~~programs, and the licensed physician who reviews and approves the clinical protocol]~~ shall
 44 likewise not be held liable for civil damages **or subject to a criminal penalty** resulting from the
 45 use of an automated external defibrillator. ~~[Nothing in this section shall affect any claims brought~~
 46 ~~pursuant to chapter 537 or 538.~~

47 ~~———5.]~~ 4. All basic life support ambulances and stretcher vans operated in the state of
 48 Missouri shall be equipped with an automated external defibrillator and be staffed by at least one
 49 individual trained in the use of an automated external defibrillator.

50 ~~[6.]~~ 5. The provisions of this section shall apply in all counties within the state and any
 51 city not within a county.

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

3 (1) "Acute pain", pain, whether resulting from disease, accidental or intentional trauma,
 4 or other causes, that the practitioner reasonably expects to last only a short period of time. Acute
 5 pain shall not include chronic pain, pain being treated as part of cancer care, hospice or other
 6 end-of-life care, or medication-assisted treatment for substance use disorders;

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

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

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

- 14 (b) The patient or research subject at the direction and in the presence of the practitioner;
15 (4) "Agent", an authorized person who acts on behalf of or at the direction of a
16 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
17 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
18 lawful course of the carrier's or warehouseman's business;
- 19 (5) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
20 authorized to investigate, commence and prosecute an action under this chapter;
- 21 (6) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
22 through V listed in this chapter **and not including medical marijuana pursuant to Article**
23 **XIV of the Missouri Constitution**;
- 24 (7) "Controlled substance analogue", a substance the chemical structure of which is
25 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:
26 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
27 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
28 nervous system of a controlled substance included in Schedule I or II; or
29 (b) With respect to a particular individual, which that individual represents or intends
30 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
31 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
32 system of a controlled substance included in Schedule I or II. The term does not include a
33 controlled substance; any substance for which there is an approved new drug application; any
34 substance for which an exemption is in effect for investigational use, for a particular person,
35 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. Section 355) to the
36 extent conduct with respect to the substance is pursuant to the exemption; or any substance to
37 the extent not intended for human consumption before such an exemption takes effect with
38 respect to the substance;
- 39 (8) "Counterfeit substance", a controlled substance which, or the container or labeling
40 of which, without authorization, bears the trademark, trade name, or other identifying mark,
41 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
42 other than the person who in fact manufactured, distributed, or dispensed the substance;
- 43 (9) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
44 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
45 substance, whether or not there is an agency relationship, and includes a sale;
- 46 (10) "Dentist", a person authorized by law to practice dentistry in this state;
- 47 (11) "Depressant or stimulant substance":

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

51 (b) A drug containing any quantity of:

52 a. Amphetamine or any of its isomers;

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

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

57 (c) Lysergic acid diethylamide; or

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

62 (12) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
63 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
64 administering, packaging, labeling, or compounding necessary to prepare the substance for such
65 delivery. "Dispenser" means a practitioner who dispenses;

66 (13) "Distribute", to deliver other than by administering or dispensing a controlled
67 substance;

68 (14) "Distributor", a person who distributes;

69 (15) "Drug":

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

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

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

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

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

84 (17) "Drug enforcement agency", the Drug Enforcement Administration in the United
85 States Department of Justice, or its successor agency;

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

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

95 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
96 converting, producing, processing, or preparing controlled substances or imitation controlled
97 substances;

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

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

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

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

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

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

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

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

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

- 120 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
121 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- 122 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
123 permanent screens, hashish heads, or punctured metal bowls;
 - 124 b. Water pipes;
 - 125 c. Carburetion tubes and devices;
 - 126 d. Smoking and carburetion masks;
 - 127 e. Roach clips meaning objects used to hold burning material, such as a marijuana
128 cigarette, that has become too small or too short to be held in the hand;
 - 129 f. Miniature cocaine spoons and cocaine vials;
 - 130 g. Chamber pipes;
 - 131 h. Carburetor pipes;
 - 132 i. Electric pipes;
 - 133 j. Air-driven pipes;
 - 134 k. Chillums;
 - 135 l. Bongs;
 - 136 m. Ice pipes or chillers;
- 137 (m) Substances used, intended for use, or designed for use in the manufacture of a
138 controlled substance.
- 139 In determining whether an object, product, substance or material is drug paraphernalia, a court
140 or other authority should consider, in addition to all other logically relevant factors, the
141 following:
- 142 a. Statements by an owner or by anyone in control of the object concerning its use;
 - 143 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
144 state or federal law relating to any controlled substance or imitation controlled substance;
 - 145 c. The proximity of the object, in time and space, to a direct violation of this chapter or
146 chapter 579;
 - 147 d. The proximity of the object to controlled substances or imitation controlled
148 substances;
 - 149 e. The existence of any residue of controlled substances or imitation controlled
150 substances on the object;
 - 151 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
152 the object, to deliver it to persons who he or she knows, or should reasonably know, intend to
153 use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner,
154 or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not
155 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- 156 g. Instructions, oral or written, provided with the object concerning its use;
- 157 h. Descriptive materials accompanying the object which explain or depict its use;
- 158 i. National or local advertising concerning its use;
- 159 j. The manner in which the object is displayed for sale;
- 160 k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like
- 161 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 162 l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of
- 163 the business enterprise;
- 164 m. The existence and scope of legitimate uses for the object in the community;
- 165 n. Expert testimony concerning its use;
- 166 o. The quantity, form or packaging of the product, substance or material in relation to
- 167 the quantity, form or packaging associated with any legitimate use for the product, substance or
- 168 material;
- 169 (19) "Federal narcotic laws", the laws of the United States relating to controlled
- 170 substances;
- 171 (20) "Hospital", a place devoted primarily to the maintenance and operation of facilities
- 172 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
- 173 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
- 174 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
- 175 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
- 176 The term hospital does not include convalescent, nursing, shelter or boarding homes as defined
- 177 in chapter 198;
- 178 (21) "Illegal industrial hemp":
- 179 (a) All nonseed parts and varieties of the *Cannabis sativa* L. plant, growing or not, that
- 180 contain an average delta-9 tetrahydrocannabinol (THC) concentration exceeding three-tenths of
- 181 one percent on a dry weight basis;
- 182 (b) Illegal industrial hemp shall be destroyed in the most effective manner possible, and
- 183 such destruction shall be verified by the Missouri state highway patrol;
- 184 (22) "Immediate precursor", a substance which:
- 185 (a) The state department of health and senior services has found to be and by rule
- 186 designates as being the principal compound commonly used or produced primarily for use in the
- 187 manufacture of a controlled substance;
- 188 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
- 189 of a controlled substance; and
- 190 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
- 191 controlled substance;

192 (23) "Imitation controlled substance", a substance that is not a controlled substance,
193 which by dosage unit appearance (including color, shape, size and markings), or by
194 representations made, would lead a reasonable person to believe that the substance is a controlled
195 substance. In determining whether the substance is an imitation controlled substance the court
196 or authority concerned should consider, in addition to all other logically relevant factors, the
197 following:

198 (a) Whether the substance was approved by the federal Food and Drug Administration
199 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
200 Drug Administration-approved package, with the federal Food and Drug
201 Administration-approved labeling information;

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

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

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

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

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

215 (24) "Industrial hemp":

216 (a) All nonseed parts and varieties of the Cannabis sativa L. plant, growing or not, that
217 contain an average delta-9 tetrahydrocannabinol (THC) concentration that does not exceed
218 three-tenths of one percent on a dry weight basis or the maximum concentration allowed under
219 federal law, whichever is greater;

220 (b) Any Cannabis sativa L. seed that is part of a growing crop, retained by a grower for
221 future planting, or used for processing into or use as agricultural hemp seed;

222 (c) Industrial hemp includes industrial hemp commodities and products and topical or
223 ingestible animal and consumer products derived from industrial hemp with a delta-9
224 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight
225 basis;

226 (25) "Initial prescription", a prescription issued to a patient who has never previously
227 been issued a prescription for the drug or its pharmaceutical equivalent or who was previously

228 issued a prescription for the drug or its pharmaceutical equivalent, but the date on which the
229 current prescription is being issued is more than five months after the date the patient last used
230 or was administered the drug or its equivalent;

231 (26) "Laboratory", a laboratory approved by the department of health and senior services
232 as proper to be entrusted with the custody of controlled substances but does not include a
233 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

234 (27) "Manufacture", the production, preparation, propagation, compounding or
235 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
236 substance, either directly or by extraction from substances of natural origin, or independently by
237 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
238 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
239 This term does not include the preparation or compounding of a controlled substance or an
240 imitation controlled substance or the preparation, compounding, packaging or labeling of a
241 narcotic or dangerous drug:

242 (a) By a practitioner as an incident to his or her administering or dispensing of a
243 controlled substance or an imitation controlled substance in the course of his or her professional
244 practice; or

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

247 (28) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,
248 including, but not limited to Cannabis Sativa L., except industrial hemp, Cannabis Indica,
249 Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the
250 seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture,
251 salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the
252 mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the
253 plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature
254 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant
255 which is incapable of germination;

256 (29) "Methamphetamine precursor drug", any drug containing ephedrine,
257 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
258 isomers;

259 (30) "Narcotic drug", any of the following, whether produced directly or indirectly by
260 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
261 or by a combination of extraction and chemical analysis:

262 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
263 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,

264 esters, ethers, and salts is possible within the specific chemical designation. The term does not
265 include the isoquinoline alkaloids of opium;

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

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

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

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

272 (31) "Official written order", an order written on a form provided for that purpose by the
273 United States Commissioner of Narcotics, under any laws of the United States making provision
274 therefor, if such order forms are authorized and required by federal law, and if no such order
275 form is provided, then on an official form provided for that purpose by the department of health
276 and senior services;

277 (32) "Opiate" or "opioid", any substance having an addiction-forming or
278 addiction-sustaining liability similar to morphine or being capable of conversion into a drug
279 having addiction-forming or addiction-sustaining liability. The term includes its racemic and
280 levorotatory forms. It does not include, unless specifically controlled under section 195.017, the
281 dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

282 (33) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;

283 (34) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug
284 other than a controlled substance;

285 (35) "Person", an individual, corporation, government or governmental subdivision or
286 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or
287 commercial entity;

288 (36) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where
289 the context so requires, the owner of a store or other place of business where controlled
290 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
291 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
292 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

293 (37) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

294 (38) "Possessed" or "possessing a controlled substance", a person, with the knowledge
295 of the presence and nature of a substance, has actual or constructive possession of the substance.

296 A person has actual possession if he has the substance on his or her person or within easy reach
297 and convenient control. A person who, although not in actual possession, has the power and the
298 intention at a given time to exercise dominion or control over the substance either directly or
299 through another person or persons is in constructive possession of it. Possession may also be

300 sole or joint. If one person alone has possession of a substance possession is sole. If two or
301 more persons share possession of a substance, possession is joint;

302 (39) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific
303 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by
304 this state to distribute, dispense, conduct research with respect to or administer or to use in
305 teaching or chemical analysis, a controlled substance in the course of professional practice or
306 research in this state, or a pharmacy, hospital or other institution licensed, registered, or
307 otherwise permitted to distribute, dispense, conduct research with respect to or administer a
308 controlled substance in the course of professional practice or research;

309 (40) "Production", includes the manufacture, planting, cultivation, growing, or
310 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
311 substance;

312 (41) "Registry number", the number assigned to each person registered under the federal
313 controlled substances laws;

314 (42) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction
315 made by any person, whether as principal, proprietor, agent, servant or employee;

316 (43) "State" when applied to a part of the United States, includes any state, district,
317 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
318 of the United States of America;

319 (44) "Synthetic cannabinoid", includes unless specifically excepted or unless listed in
320 another schedule, any natural or synthetic material, compound, mixture, or preparation that
321 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
322 limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section
323 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
324 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
325 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
326 shall not include any approved pharmaceutical authorized by the United States Food and Drug
327 Administration;

328 (45) "Ultimate user", a person who lawfully possesses a controlled substance or an
329 imitation controlled substance for his or her own use or for the use of a member of his or her
330 household or immediate family, regardless of whether they live in the same household, or for
331 administering to an animal owned by him or by a member of his or her household. For purposes
332 of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling,
333 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

334 (46) "Wholesaler", a person who supplies drug paraphernalia or controlled substances
335 or imitation controlled substances that he himself has not produced or prepared, on official
336 written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer this chapter
2 and may add substances to the schedules after public notice and hearing. In making a
3 determination regarding a substance, the department of health and senior services shall consider
4 the following:

- 5 (1) The actual or relative potential for abuse;
- 6 (2) The scientific evidence of its pharmacological effect, if known;
- 7 (3) The state of current scientific knowledge regarding the substance;
- 8 (4) The history and current pattern of abuse;
- 9 (5) The scope, duration, and significance of abuse;
- 10 (6) The risk to the public health;
- 11 (7) The potential of the substance to produce psychic or physiological dependence
12 liability; and
- 13 (8) Whether the substance is an immediate precursor of a substance already controlled
14 under this chapter.

15 2. After considering the factors enumerated in subsection 1 of this section the department
16 of health and senior services shall make findings with respect thereto and issue a rule controlling
17 the substance if it finds the substance has a potential for abuse.

18 3. If the department of health and senior services designates a substance as an immediate
19 precursor, substances which are precursors of the controlled precursor shall not be subject to
20 control solely because they are precursors of the controlled precursor.

21 4. If any substance is designated, rescheduled, or deleted as a controlled substance under
22 federal law and notice thereof is given to the department of health and senior services, the
23 department of health and senior services shall similarly control the substance under this chapter
24 ~~[after the expiration of]~~ **and shall submit emergency rules to the secretary of state under**
25 **section 536.025 within** thirty days ~~[from]~~ **of** publication in the federal register of a final order
26 designating a substance as a controlled substance or rescheduling or deleting a substance, unless
27 within that thirty-day period, the department of health and senior services objects to inclusion,
28 rescheduling, or deletion. In that case, the department of health and senior services shall publish
29 the reasons for objection and afford all interested parties an opportunity to be heard. At the
30 conclusion of the hearing, the department of health and senior services shall publish its decision,
31 which shall be final unless altered by statute. Upon publication of objection to inclusion,
32 rescheduling or deletion under this chapter by the department of health and senior services,
33 control under this chapter is stayed as to the substance in question until the department of health

34 and senior services publishes its decision. **When the department promulgates emergency**
 35 **rules under this subsection, such rules may, notwithstanding the provisions of subsection**
 36 **7 of section 536.025, remain in effect until the general assembly concludes its next regular**
 37 **session following the imposition of any such rules.**

38 5. The department of health and senior services shall exclude any nonnarcotic substance
 39 from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the
 40 law of this state, be lawfully sold over the counter without a prescription.

41 6. The department of health and senior services shall prepare a list of all drugs falling
 42 within the purview of controlled substances. Upon preparation, a copy of the list shall be filed
 43 in the office of the secretary of state.

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 (**N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-**
 12 **phenylacetamide**);

13 (b) Acetylmethadol;

14 (c) **Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)**;

15 (d) **AH-7921(3,4-dichloro-N-[(1-dimethylamino) cyclohexylmethyl] benzamide)**;

16 (e) Allylprodine;

17 [~~e~~] (f) Alphacetylmethadol (**except levoalphacetylmethadol, also known as levo-**
 18 **alpha-acetylmethadol levothadyl acetate or LAAM**);

19 [~~e~~] (g) Alphameprodine;

20 [~~f~~] (h) Alphamethadol;

21 [~~g~~] (i) Alpha-methylfentanyl (**N-1-(alphamethyl-beta-phenyl) ethyl-4-piperidyl)**
 22 **propionanilide; 1-(1-methyl-2-phenylethyl)-4 ((N-propanilido) piperidine)**;

23 [~~h~~] (j) Alpha-methylthiofentanyl (**N-(1-methyl-2-(2-thienyl) ethyl-4-piperidinyl)-N-**
 24 **phenylpropanamide**);

25 [~~i~~] (k) Benzethidine;

26 [~~j~~] (l) Betacetylmethadol;

- 27 [~~k~~] **(m)** Beta-hydroxyfentanyl (N-(1-(2-hydroxy-2-phenethyl)-4-piperidinyl)-N-
28 **phenylpropanamide**);
- 29 [~~l~~] **(n)** Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-
30 **pipridinyl)-N-phenylpropanamide**);
- 31 [~~m~~] **(o)** Betameprodine;
- 32 [~~n~~] **(p)** Betamethadol;
- 33 [~~o~~] **(q)** Betaprodine;
- 34 [~~p~~] **(r)** Clonitazene;
- 35 [~~q~~] **(s)** Dextromoramide;
- 36 [~~r~~] **(t)** Diampromide;
- 37 [~~s~~] **(u)** Diethylthiambutene;
- 38 [~~t~~] **(v)** Difenoxy;
- 39 [~~u~~] **(w)** Dimenoxadol;
- 40 [~~v~~] **(x)** Dimepheptanol;
- 41 [~~w~~] **(y)** Dimethylthiambutene;
- 42 [~~x~~] **(z)** Dioxaphetyl butyrate;
- 43 [~~y~~] **(aa)** Dipipanone;
- 44 [~~z~~] **(bb)** Ethylmethylthiambutene;
- 45 [~~aa~~] **(cc)** Etonitazene;
- 46 [~~bb~~] **(dd)** Etoxidine;
- 47 [~~cc~~] **(ee)** Furethidine;
- 48 [~~dd~~] **(ff)** Hydroxypethidine;
- 49 [~~ee~~] **(gg)** Ketobemidone;
- 50 [~~ff~~] **(hh)** Levomoramide;
- 51 [~~gg~~] **(ii)** Levophenacymorphan;
- 52 [~~hh~~] **(jj)** 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
53 **phenylpropanamide**), its optical and geometric isomers, salts, and salts of isomers;
- 54 [~~ii~~] **(kk)** 3-Methylthiofentanyl (N-((3-methyl-1-(2-thienylethyl)-4-piperidinyl)-N-
55 **phenylpropanamide**);
- 56 [~~jj~~] **(ll)** Morpheridine;
- 57 [~~kk~~] **(mm)** MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 58 **(nn)** MT-45(1-cyclohexyl-4-(1,2-diphenylethyl) piperazine);
- 59 [~~ll~~] **(oo)** Noracymethadol;
- 60 [~~mm~~] **(pp)** Norlevorphanol;
- 61 [~~nn~~] **(qq)** Normethadone;
- 62 [~~oo~~] **(rr)** Norpipanone;

- 63 [~~(pp)~~] **(ss)** Para-fluorofentanyl (**N-(4-fluorophenyl)-N-(1-(2-phenethyl)-4-piperidinyl)**
 64 **propanamide;**
- 65 [~~(qq)~~] **(tt)** PEPAP (**1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine**);
- 66 [~~(rr)~~] **(uu)** Phenadoxone;
- 67 [~~(ss)~~] **(vv)** Phenampromide;
- 68 [~~(tt)~~] **(ww)** Phenomorphan;
- 69 [~~(uu)~~] **(xx)** Phenoperidine;
- 70 [~~(vv)~~] **(yy)** Piritramide;
- 71 [~~(ww)~~] **(zz)** Proheptazine;
- 72 [~~(xx)~~] **(aaa)** Properidine;
- 73 [~~(yy)~~] **(bbb)** Propiram;
- 74 [~~(zz)~~] **(ccc)** Racemoramide;
- 75 [~~(aaa)~~] **(ddd)** Thiofentanyl (**N-phenyl-N-(1-(2-thienylethyl)-4-piperidinyl)-**
 76 **propanamide;**
- 77 [~~(bbb)~~] **(eee)** Tilidine;
- 78 [~~(ccc)~~] **(fff)** Trimeperidine;
- 79 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
 80 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
 81 is possible within the specific chemical designation:
- 82 (a) Acetorphine;
- 83 (b) Acetyldihydrocodeine;
- 84 (c) Benzylmorphine;
- 85 (d) Codeine methylbromide;
- 86 (e) Codeine-N-Oxide;
- 87 (f) Cyprenorphine;
- 88 (g) Desomorphine;
- 89 (h) Dihydromorphine;
- 90 (i) Drotebanol;
- 91 (j) Etorphine (except hydrochloride salt);
- 92 (k) Heroin;
- 93 (l) Hydromorphinol;
- 94 (m) Methyldesorphine;
- 95 (n) Methyldihydromorphine;
- 96 (o) Morphine methylbromide;
- 97 (p) Morphine methylsulfonate;
- 98 (q) Morphine-N-Oxide;

- 99 (r) Myrophine;
- 100 (s) Nicocodeine;
- 101 (t) Nicomorphine;
- 102 (u) Normorphine;
- 103 (v) Pholcodine;
- 104 (w) Thebacon;
- 105 (4) **Any of the following opiate similar synthetic substances scheduled by the U.S.**
- 106 **Drug Enforcement Administration as substances that share a pharmacological profile**
- 107 **similar to fentanyl, morphine, and other synthetic opioids, unless specifically excepted or**
- 108 **unless listed in another schedule:**
- 109 (a) **Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide);**
- 110 (b) **U-47700 (3,4-Dichloro-N-[2-(dimethylamino) cyclohexyl]-N-methyl benzamide);**
- 111 (5) Any material, compound, mixture or preparation which contains any quantity of the
- 112 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 113 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 114 the specific chemical designation:
- 115 (a) **Alpha-ethyltryptamine;**
- 116 (b) 4-bromo-2, 5-dimethoxyamphetamine;
- 117 [~~(b)~~] 4-bromo-2, 5-dimethoxyphenethylamine;
- 118 (c) **4-bromo-2,5-dimethoxyphenethylamine;**
- 119 (d) 2,5-dimethoxyamphetamine;
- 120 [~~(d)~~] (e) 2,5-dimethoxy-4-ethylamphetamine;
- 121 [~~(e)~~] (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 122 [~~(f)~~] (g) **2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine;**
- 123 (h) **2-(2,5-Dimethoxy-4-ethylphenyl) ethanamine;**
- 124 (i) **2-(2,5-Dimethoxy-4-methylphenyl) ethanamine;**
- 125 (j) **2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine;**
- 126 (k) **2-(2,5-Dimethoxyphenyl) ethanamine;**
- 127 (l) **2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine;**
- 128 (m) **2-(4-Ethylthio-2,5-dimethoxyphenyl) ethanamine;**
- 129 (n) **2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine;**
- 130 (o) **2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine;**
- 131 (p) 4-methoxyamphetamine;
- 132 [~~(g)~~] (q) 5-methoxy-3,4-methylenedioxyamphetamine;
- 133 [~~(h)~~] (r) 4-methyl-2, 5-dimethoxyamphetamine;
- 134 [~~(i)~~] (s) 3,4-methylenedioxyamphetamine;

- 135 [~~(j)~~] **(t)** 3,4-methylenedioxyamphetamine;
- 136 [~~(k)~~] **(u)** 3,4-methylenedioxy-N-ethylamphetamine;
- 137 [~~(l)~~] **(v)** N-hydroxy-3, 4-methylenedioxyamphetamine;
- 138 [~~(m)~~] **(w)** 3,4,5-trimethoxyamphetamine;
- 139 [~~(n)~~] **(x)** 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine~~[, its isomers, salts, and~~
- 140 ~~salts of isomers];~~
- 141 [~~(o)~~] ~~Alpha-ethyltryptamine;~~
- 142 [~~(p)~~] **(y)** Alpha-methyltryptamine;
- 143 [~~(q)~~] **(z)** Bufotenine;
- 144 [~~(r)~~] **(aa)** Diethyltryptamine;
- 145 [~~(s)~~] **(bb)** Dimethyltryptamine;
- 146 [~~(t)~~] **(cc)** 5-methoxy-N,N-diisopropyltryptamine;
- 147 [~~(u)~~] **(dd)** Ibogaine;
- 148 [~~(v)~~] **(ee)** Lysergic acid diethylamide;
- 149 [~~(w)~~] **(ff)** Marijuana or marihuana, except **medical marijuana pursuant to Article XIV**
- 150 **of the Missouri Constitution and** industrial hemp;
- 151 [~~(x)~~] **(gg)** Mescaline;
- 152 [~~(y)~~] **(hh)** Parahexyl;
- 153 [~~(z)~~] **(ii)** Peyote, to include all parts of the plant presently classified botanically as
- 154 Lophophora [~~Williamsii~~] **williamsii** Lemaire, whether growing or not; the seeds thereof; any
- 155 extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture
- 156 or preparation of the plant, its seed or extracts;
- 157 [~~(aa)~~] **(jj)** N-ethyl-3-piperidyl benzilate;
- 158 [~~(bb)~~] **(kk)** N-methyl-3-piperidyl benzilate;
- 159 [~~(cc)~~] **(ll)** Psilocybin;
- 160 [~~(dd)~~] **(mm)** Psilocyn;
- 161 [~~(ee)~~] **(nn)** Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
- 162 (cannabis plant), except **medical marijuana pursuant to Article XIV of the Missouri**
- 163 **Constitution and** industrial hemp, as well as synthetic equivalents of the substances contained
- 164 in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances,
- 165 derivatives~~;~~ and their isomers, **or both**, with similar chemical structure and pharmacological
- 166 activity to those substances contained in the plant, such as the following:
- 167 a. 1 cis or trans tetrahydrocannabinol~~;~~ and their optical isomers;
- 168 b. 6 cis or trans tetrahydrocannabinol~~;~~ and their optical isomers;
- 169 c. 3,4 cis or trans tetrahydrocannabinol~~;~~ and their optical isomers;

170 d. Any compounds of these structures, regardless of numerical designation of atomic
171 positions covered;

- 172 [~~(ff)~~] **(oo)** Ethylamine analog of phencyclidine;
173 [~~(gg)~~] **(pp)** Pyrrolidine analog of phencyclidine;
174 [~~(hh)~~] **(qq)** Thiophene analog of phencyclidine;
175 [~~(ii)~~] **(rr)** 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
176 [~~(jj)~~] **(ss)** Salvia divinorum;
177 [~~(kk)~~] **(tt)** Salvinorin A;
178 [~~(ll)~~] **(uu)** Synthetic cannabinoids:

179 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
180 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
181 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl
182 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any
183 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited
184 to:

- 185 (i) **AM2201, or 1-(5-fluoropentyl)-3-(1-naphthoyl)indole;**
186 **(ii) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;**
187 [~~(ii)~~] **(iii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;**
188 [~~(iii)~~] **(iv) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;**
189 [~~(iv)~~] **(v) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;**
190 [~~(v)~~] **(vi) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;**
191 [~~(vi)~~] **(vii) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;**
192 [~~(vii)~~] **(viii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)**

193 indole;

- 194 [~~(viii)~~] **(ix) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;**
195 [~~(ix)~~] **(x) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;**
196 [~~(x)~~] **(xi) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;**
197 [~~(xi)~~] **(xii) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;**
198 [~~(xii)~~] **(xiii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;**

199 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the
200 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
201 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
202 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any
203 extent;

204 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution
205 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

206 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or
 207 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl
 208 ring to any extent;

209 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the
 210 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 211 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
 212 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any
 213 extent. Including, but not limited to:

- 214 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 215 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 216 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 217 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 218 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

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

- 223 (i) CP 47, 497 [&] a n d h o m o l o g u e s , o r
 224 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and
 225 homologues where side chain n=4,6, or 7;

226 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
 227 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 228 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
 229 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
 230 any extent. Including, but not limited to:

- 231 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 232 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole (**SR-19 and RCS-4**);

233 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
 234 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

235 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
 236 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

237 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,
 238 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

239 j. ~~[CP-50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-~~
 240 ~~phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;~~

241 ~~—k.] Dimethylheptylpyran, or DMHP;~~

242 [~~(5)~~] **(6)** Any material, compound, mixture or preparation containing any quantity of the
243 following substances having a depressant effect on the central nervous system, including their
244 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
245 isomers is possible within the specific chemical designation:

246 (a) Gamma-hydroxybutyric acid;

247 (b) Mecloqualone;

248 (c) Methaqualone;

249 [~~(6)~~] **(7)** Any material, compound, mixture or preparation containing any quantity of the
250 following substances having a stimulant effect on the central nervous system, including their
251 salts, isomers and salts of isomers:

252 (a) Aminorex;

253 (b) N-benzylpiperazine;

254 (c) Cathinone;

255 (d) Fenethylamine;

256 (e) 3-Fluoromethcathinone;

257 (f) 4-Fluoromethcathinone;

258 (g) Mephedrone, or 4-methylmethcathinone;

259 (h) Methcathinone;

260 (i) 4-methoxymethcathinone;

261 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
262 oxazolamine);

263 (k) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-
264 (1-pyrrolidinyl)-1-pentanone);

265 (l) Methylenedioxypropylmethcathinone;

266 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;

267 (n) N-ethylamphetamine;

268 (o) N,N-dimethylamphetamine;

269 **(p) Quinolin-8-yl 1-pentyl-1*H*-indole-3-carboxylate (PB-22; QUPIC);**

270 **(q) Quinolin-8-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate (5-fluoro-PB-22; 5F-
271 PB-22);**

272 **(r) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-
273 carboxamide (AB-FUBINACA);**

274 **(s) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide
275 (ADB-PINACA);**

276 ~~[(7)]~~ **(8)** A temporary listing of substances subject to emergency scheduling under
277 federal law shall include any material, compound, mixture or preparation which contains any
278 quantity of the following substances:

279 (a) ~~[N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers,~~
280 ~~salts and salts of isomers;~~

281 ~~— (b) — N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its~~
282 ~~optical isomers, salts and salts of isomers;]~~ **(1-pentyl-1*H*-indol-3-yl)(2,2,3,3-**
283 **tetramethylcyclopropyl)methanone, its optical, positional, and geometric isomers, salts, and**
284 **salts of isomers;**

285 **(b) [1-(5-fluoro-pentyl)-1*H*-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone,**
286 **its optical, positional, and geometric isomers, salts, and salts of isomers;**

287 **(c) N-(1-adamantyl)-1-pentyl-1*H*-indazole-3-carboxamide, its optical, positional,**
288 **and geometric isomers, salts, and salts of isomers;**

289 **(d) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,**
290 **positional, and geometric isomers, salts, and salts of isomers;**

291 **(e) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,**
292 **positional, and geometric isomers, salts, and salts of isomers;**

293 **(f) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine, its optical,**
294 **positional, and geometric isomers, salts, and salts of isomers;**

295 **(g) 4-methyl-N-ethylcathinone, its optical, positional, and geometric isomers, salts,**
296 **and salts of isomers;**

297 **(h) 4-methyl-alpha-pyrrolidinopropiophenone, its optical, positional, and geometric**
298 **isomers, salts, and salts of isomers;**

299 **(i) Alpha-pyrrolidinopentiophenone, its optical, positional, and geometric isomers,**
300 **salts, and salts of isomers;**

301 **(j) Butylone, its optical, positional, and geometric isomers, salts, and salts of**
302 **isomers;**

303 **(k) Pentedrone, its optical, positional, and geometric isomers, salts, and salts of**
304 **isomers;**

305 **(l) Pentylone, its optical, positional, and geometric isomers, salts, and salts of**
306 **isomers;**

307 **(m) Naphyrone, its optical, positional, and geometric isomers, salts, and salts of**
308 **isomers;**

309 **(n) Alpha-pyrrolidinobutiophenone, its optical, positional, and geometric isomers,**
310 **salts, and salts of isomers;**

- 311 (o) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
312 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 313 (p) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1*H*-indazole-3-carboxamide,
314 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 315 (q) [1-(5-fluoropentyl)-1*H*-indazole-3-yl](naphthalen-1-yl)methanone, its optical,
316 positional, and geometric isomers, salts, and salts of isomers;
- 317 (r) N-[1-[2-hydroxy-2-(thiophen-2-yl) ethyl]piperidin-4-yl]-N-phenylpropionamide,
318 its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 319 (s) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its optical, positional, and
320 geometric isomers, salts, and salts of isomers;
- 321 (t) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1*H*-indazole-3-
322 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 323 (u) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide;
- 324 (v) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3,3-
325 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
326 isomers;
- 327 (w) methyl 2-(1-(5-fluoropentyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
328 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 329 (x) N-(adamantan-1-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-carboxamide, its optical,
330 positional, and geometric isomers, salts, and salts of isomers;
- 331 (y) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1*H*-indazole-3-
332 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers;
- 333 (z) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3,3-
334 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
335 isomers;
- 336 (aa) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3,3-
337 dimethylbutanoate, its optical, positional, and geometric isomers, salts, and salts of
338 isomers;
- 339 (bb) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide, its isomers,
340 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 341 (cc) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide, its isomers, esters, ethers,
342 salts, and salts of isomers, esters, and ethers;
- 343 (dd) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide, its isomers,
344 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 345 (ee) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide, its
346 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;

- 347 (ff) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide, its isomers,
348 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 349 (gg) methyl 2-(1-(4-fluorobenzyl)-1*H*-indazole-3-carboxamido)-3-methylbutanoate,
350 its optical, positional, and geometric isomers, salts, and salts of isomers;
- 351 (hh) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide, its isomers,
352 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 353 (ii) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide, its isomers, esters, ethers,
354 salts, and salts of isomers, esters, and ethers;
- 355 (jj) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
356 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 357 (kk) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide, its isomers,
358 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 359 (ll) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers,
360 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 361 (mm) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide, its isomers, esters,
362 ethers, salts, and salts of isomers, esters, and ethers;
- 363 (nn) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide, its isomers,
364 esters, ethers, salts, and salts of isomers, esters, and ethers;
- 365 (oo) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide, its
366 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers;
- 367 (pp) Fentanyl-related substances, their isomers, esters, ethers, salts, and salts of
368 isomers, esters, and ethers. Fentanyl-related substance shall mean any substance not
369 otherwise listed under another Drug Enforcement Administration Controlled Substance
370 Code Number, and for which no exemption or approval is in effect under section 505 of the
371 Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Section 355, that is structurally related
372 to fentanyl by one or more of the following modifications:
- 373 a. Replacement of the phenyl portion of the phenethyl group by any monocycle,
374 whether or not further substituted in or on the monocycle;
- 375 b. Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl,
376 halo, haloalkyl, amino or nitro groups;
- 377 c. Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether,
378 hydroxyl, amino or nitro groups;
- 379 d. Replacement of the aniline ring with any aromatic monocycle, whether or not
380 further substituted in or on the aromatic monocycle; or
- 381 e. Replacement of the N-propionyl group by another acyl group;

382 (qq) Naphthalen-1-yl 1-(5-fluoropentyl)-1*H*-indole-3-carboxylate, its optical,
383 positional, and geometric isomers, salts, and salts of isomers (NM2201; CBL2201);

384 (rr) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1*H*-indazole-3-
385 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
386 AB-PINACA);

387 (ss) 1-(4-cyanobutyl)-*N*-(2-phenylpropan-2-yl)-1*H*-indazole-3-carboxamide, its
388 optical, positional, and geometric isomers, salts, and salts of isomers (4-CN-CUMYL-
389 BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYLBINACA; CUMYL-4CN-
390 BINACA; SGT-78);

391 (tt) methyl 2-(1-(cyclohexylmethyl)-1*H*-indole-3-carboxamido)-3-methylbutanoate,
392 its optical, positional, and geometric isomers, salts, and salts of isomers (MMB-CHMICA,
393 AMB-CHMICA);

394 (uu) 1-(5-fluoropentyl)-*N*-(2-phenylpropan-2-yl)-1*H*-pyrrolo[2,3-*b*]pyridine-3-
395 carboxamide, its optical, positional, and geometric isomers, salts, and salts of isomers (5F-
396 CUMYL-P7AICA);

397 (vv) *N*-Ethylpentylone, its optical, positional, and geometric isomers, salts, and salts
398 of isomers (ephylone, 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one);

399 [(8)] (9) Khat, to include all parts of the plant presently classified botanically as *catha*
400 *edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and
401 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or
402 extracts.

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

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

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

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

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

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

413 (a) Opium and opiate; and any salt, compound, derivative or preparation of opium or
414 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
415 nalmeferene, **naloxegol**, naloxone, and naltrexone, and their respective salts, but including the
416 following:

417 a. Raw opium;

- 418 b. Opium extracts;
419 c. Opium fluid;
420 d. Powdered opium;
421 e. Granulated opium;
422 f. Tincture of opium;
423 g. Codeine;
424 h. **Dihydroetorphine**;
425 i. Ethylmorphine;
426 [~~i~~] j. Etorphine hydrochloride;
427 [~~j~~] k. Hydrocodone;
428 [~~k~~] l. Hydromorphone;
429 [~~l~~] m. Metopon;
430 [~~m~~] n. Morphine;
431 [~~n~~] o. **Oripavine**;
432 p. Oxycodone;
433 [~~o~~] q. Oxymorphone;
434 [~~p~~] r. Thebaine;
435 (b) Any salt, compound, derivative, or preparation thereof which is chemically
436 equivalent or identical with any of the substances referred to in this subdivision, but not
437 including the isoquinoline alkaloids of opium;
438 (c) Opium poppy and poppy straw;
439 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
440 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
441 with any of these substances, but not including **the following**:
442 a. Decocainized coca leaves or extractions **of coca leaves**, which **extractions** do not
443 contain cocaine or ecgonine; **or**
444 b. **Ioflupane**;
445 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
446 or powder form which contains the phenanthrene alkaloids of the opium poppy);
447 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
448 of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within
449 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
450 (a) Alfentanil;
451 (b) Alphaprodine;
452 (c) Anileridine;
453 (d) Bezitramide;

- 454 (e) Bulk dextropropoxyphene;
- 455 (f) Carfentanil;
- 456 (g) Dihydrocodeine;
- 457 (h) Diphenoxylate;
- 458 (i) Fentanyl;
- 459 (j) Isomethadone;
- 460 (k) Levo-alphaacetylmethadol;
- 461 (l) Levomethorphan;
- 462 (m) Levorphanol;
- 463 (n) Metazocine;
- 464 (o) Methadone;
- 465 (p) ~~Meperidine~~;
- 466 ~~————~~ (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 467 ~~[(+)]~~ (q) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 468 1-diphenylpropane-carboxylic acid;
- 469 ~~[(s)]~~ (r) Pethidine (meperidine);
- 470 ~~[(t)]~~ (s) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 471 ~~[(u)]~~ (t) Pethidine-Intermediate -B, ethyl-4-phenylpiperidine-4-
- 472 carboxylate;
- 473 ~~[(v)]~~ (u) Pethidine-Intermediate -C, 1-methyl-4-phenylpiperidine-4-
- 474 carboxylic acid;
- 475 ~~[(w)]~~ (v) Phenazocine;
- 476 ~~[(x)]~~ (w) Piminodine;
- 477 ~~[(y)]~~ (x) Racemethorphan;
- 478 ~~[(z)]~~ (y) Racemorphan;
- 479 ~~[(aa)]~~ (z) Remifentanil;
- 480 ~~[(bb)]~~ (aa) Sufentanil;
- 481 ~~[(ee)]~~ (bb) Tapentadol;
- 482 (cc) **Thiafentanil**;
- 483 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 484 following substances having a stimulant effect on the central nervous system:
- 485 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 486 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 487 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 488 (d) Phenmetrazine and its salts;
- 489 (e) Methylphenidate;

490 (4) Any material, compound, mixture, or preparation which contains any quantity of the
491 following substances having a depressant effect on the central nervous system, including its salts,
492 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
493 is possible within the specific chemical designation:

494 (a) Amobarbital;

495 (b) Glutethimide;

496 (c) Pentobarbital;

497 (d) Phencyclidine;

498 (e) Secobarbital;

499 (5) ~~Any material or compound which contains any quantity of nabilone~~ **Hallucinogenic**
500 **substances:**

501 (a) **Any material or compound which contains any quantity of nabilone;**

502 (b) **Dronabinol [(-)- Δ -9-trans tetrahydrocannabinol] in an oral solution in a drug**
503 **product approved for marketing by the U.S. Food and Drug Administration;**

504 (6) Any material, compound, mixture, or preparation which contains any quantity of the
505 following substances:

506 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;

507 (b) Immediate precursors to phencyclidine (PCP):

508 a. 1-phenylcyclohexylamine;

509 b. 1-piperidinocyclohexanecarbonitrile (PCC);

510 (c) **Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP);**

511 (7) Any material, compound, mixture, or preparation which contains any quantity of the
512 following alkyl nitrites:

513 (a) Amyl nitrite;

514 (b) Butyl nitrite.

515 5. The department of health and senior services shall place a substance in Schedule III
516 if it finds that:

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

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

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

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

- 524 (1) Any material, compound, mixture, or preparation which contains any quantity of the
525 following substances having a potential for abuse associated with a stimulant effect on the
526 central nervous system:
- 527 (a) Benzphetamine;
 - 528 (b) Chlorphentermine;
 - 529 (c) Clortermine;
 - 530 (d) Phendimetrazine;
- 531 (2) Any material, compound, mixture or preparation which contains any quantity or salt
532 of the following substances or salts having a depressant effect on the central nervous system:
- 533 (a) Any material, compound, mixture or preparation which contains any quantity or salt
534 of the following substances combined with one or more active medicinal ingredients:
 - 535 a. Amobarbital;
 - 536 b. Secobarbital;
 - 537 c. Pentobarbital;
 - 538 (b) Any suppository dosage form containing any quantity or salt of the following:
 - 539 a. Amobarbital;
 - 540 b. Secobarbital;
 - 541 c. Pentobarbital;
 - 542 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
543 salt;
 - 544 (d) Chlorhexadol;
 - 545 (e) Embutramide;
 - 546 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
547 a drug product for which an application has been approved under Section 505 of the federal
548 Food, Drug, and Cosmetic Act;
 - 549 (g) Ketamine, its salts, isomers, and salts of isomers;
 - 550 (h) Lysergic acid;
 - 551 (i) Lysergic acid amide;
 - 552 (j) Methyprylon;
 - 553 (k) **Perampanel, and its salts, isomers, and salts of isomers;**
 - 554 (l) Sulfondiethylmethane;
 - 555 [~~(l)~~] (m) Sulfonethylmethane;
 - 556 [~~(m)~~] (n) Sulfonmethane;
 - 557 [~~(n)~~] (o) Tiletamine and zolazepam or any salt thereof;
 - 558 (3) Nalorphine;

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

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

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

567 ~~(c) [Not more than three hundred milligrams of hydrocodone per one hundred milliliters~~
568 ~~or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an~~
569 ~~isoquinoline alkaloid of opium;~~

570 ~~—— (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters~~
571 ~~or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic~~
572 ~~ingredients in recognized therapeutic amounts;~~

573 ~~—— (e)]~~ Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more
574 than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in
575 recognized therapeutic amounts;

576 ~~[(f)]~~ (d) Not more than three hundred milligrams of ethylmorphine per one hundred
577 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
578 nonnarcotic ingredients in recognized therapeutic amounts;

579 ~~[(g)]~~ (e) Not more than five hundred milligrams of opium per one hundred milliliters
580 or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or
581 more active nonnarcotic ingredients in recognized therapeutic amounts;

582 ~~[(h)]~~ (f) Not more than fifty milligrams of morphine per one hundred milliliters or per
583 one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
584 amounts;

585 (5) Any material, compound, mixture, or preparation containing any of the following
586 narcotic drugs or their salts ~~[as set forth in subdivision (6) of this subsection];~~ : Buprenorphine;

587 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
588 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and
589 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is
590 expressly intended for administration through implants to cattle or other nonhuman species and
591 which has been approved by the Secretary of Health and Human Services for that administration.
592 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall
593 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the
594 meaning of this subdivision. Unless specifically excepted or unless listed in another schedule,

595 any material, compound, mixture or preparation containing any quantity of the following
 596 substances, including its salts, esters and ethers:

- 597 (a) ~~[3 β ,17-dihydroxy-5 α -androstane]~~ **3 β ,17 β -dihydroxy-5 α -androstane**;
 598 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
 599 (c) 5 α -androstan-3,17-dione;
 600 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
 601 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
 602 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
 603 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
 604 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
 605 (i) 4-androstenedione (androst-4-en-3,17-dione);
 606 (j) 5-androstenedione (androst-5-en-3,17-dione);
 607 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 608 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
 609 (m) Boldione;
 610 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
 611 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
 612 (p) Dehydrochloromethyltestosterone(4-chloro-17 β -hydroxy -17 α -methyl-
 613 androst-1,4-dien-3-one);
 614 (q) Desoxymethyltestosterone;
 615 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -
 616 androst-1-en-3-one);
 617 (s) ~~[4-dihydrotestosterone (17 β -hydroxy-androstan-3-one)]~~;
 618 ~~————~~(t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
 619 [(u)] (t) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
 620 [(v)] (u) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost
 621 -4-en-3-one);
 622 [(w)] (v) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost
 623 -1,4-dien-3-one);
 624 [(x)] (w) Furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
 625 [(y)] (x) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
 626 [(z)] (y) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
 627 [(aa)] (z) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
 628 [(bb)] (aa) Mestanolone ~~[(17 α -methyl-17 β -hydroxy-5-androstan-3-one)]~~
 629 **(17 α -methyl-17 β -hydroxy-5 α -androstan-3-one)**;

- 630 [(ee)] (bb) Mesterolone [~~(1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one)] (1 α -
631 methyl-17 β -hydroxy-[5 α]-androstan-3-one);~~
- 632 [(dd)] (cc) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 633 [(ee)] (dd) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 634 [(ff)] (ee) **Methasterone (2 α ,17 α -dimethyl-5 α -androstan-17 β -ol-3-one);**
- 635 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 636 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
- 637 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
- 638 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 639 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
640 hydroxyestr-4-en-3-one);
- 641 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 642 (ll) [~~Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one)]~~
- 643 **Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9,11-trien-3-one);**
- 644 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 645 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 646 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
647 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 648 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 649 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 650 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- 651 (ss) 19-nor-4,9(10)-androstadienedione (**estra-4,9(10)-diene-3,17-dione**);
- 652 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 653 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 654 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 655 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 656 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 657 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 658 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 659 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 660 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 661 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 662 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
663 androstan-3-one);
- 664 (eee) **Prostanozol (17 β -hydroxy-5 α -androstan[3,2-c]pyrazole);**

665 **(fff) Stanolone (Δ 1-dihydrotestosterone (a.k.a. 1-testosterone)(17 β -hydroxy-5 α -**
666 **androst-1-en-3-one));**

667 **(ggg) Stanozolol(17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-**
668 **pyrazole);**

669 ~~[(hhh)]~~ **(hhh) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);**

670 ~~[(ggg)]~~ **(iii) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien**
671 **-17-oic acid lactone);**

672 ~~[(hhh)]~~ **(jjj) Testosterone (17 β -hydroxyandrost-4-en-3-one);**

673 ~~[(iii)]~~ **(kkk) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon -4,**
674 **9,11-trien-3-one);**

675 ~~[(jjj)]~~ **(lll) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**

676 ~~[(kkk)]~~ **(mmm) Any salt, ester, or ether of a drug or substance described or listed in this**
677 **subdivision, except an anabolic steroid which is expressly intended for administration through**
678 **implants to cattle or other nonhuman species and which has been approved by the Secretary of**
679 **Health and Human Services for that administration;**

680 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
681 United States Food and Drug Administration approved drug product;

682 (8) The department of health and senior services may except by rule any compound,
683 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
684 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
685 195.320 if the compound, mixture, or preparation contains one or more active medicinal
686 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
687 admixtures are included therein in combinations, quantity, proportion, or concentration that
688 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
689 the central nervous system.

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

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

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

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

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

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

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

703 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
704 2-diphenyl-3-methyl-2-propionoxybutane);

705 (c) **2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical
706 and geometric isomers, and salts of these isomers (including tramadol);**

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

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

713 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
714 or per one hundred grams;

715 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
716 or per one hundred grams;

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

720 (a) **Alfaxalone;**

721 (b) Alprazolam;

722 [~~(b)~~] (c) Barbital;

723 [~~(c)~~] (d) Bromazepam;

724 [~~(d)~~] (e) Camazepam;

725 [~~(e)~~] (f) **Carisoprodol;**

726 (g) Chloral betaine;

727 [~~(g)~~] (h) Chloral hydrate;

728 [~~(h)~~] (i) Chlordiazepoxide;

729 [~~(i)~~] (j) Clobazam;

730 [~~(j)~~] (k) Clonazepam;

731 [~~(k)~~] (l) Clorazepate;

732 [~~(l)~~] (m) Clotiazepam;

733 [~~(m)~~] (n) Cloxazolam;

734 [~~(n)~~] (o) Delorazepam;

735 [~~(o)~~] (p) Diazepam;

736 [~~(p)~~] (q) Dichloralphenazone;

737	[(p)] (r) Estazolam;
738	[(q)] (s) Ethchlorvynol;
739	[(r)] (t) Ethinamate;
740	[(s)] (u) Ethyl loflazepate;
741	[(t)] (v) Fludiazepam;
742	[(u)] (w) Flunitrazepam;
743	[(v)] (x) Flurazepam;
744	[(w)] (y) Fospropofol;
745	[(x)] (z) Halazepam;
746	[(y)] (aa) Haloxazolam;
747	[(z)] (bb) Ketazolam;
748	[(aa)] (cc) Loprazolam;
749	[(bb)] (dd) Lorazepam;
750	[(cc)] (ee) Lormetazepam;
751	[(dd)] (ff) Mebutamate;
752	[(ee)] (gg) Medazepam;
753	[(ff)] (hh) Meprobamate;
754	[(gg)] (ii) Methohexital;
755	[(hh)] (jj) Methylphenobarbital (mephobarbital);
756	[(ii)] (kk) Midazolam;
757	[(jj)] (ll) Nimetazepam;
758	[(kk)] (mm) Nitrazepam;
759	[(ll)] (nn) Nordiazepam;
760	[(mm)] (oo) Oxazepam;
761	[(nn)] (pp) Oxazolam;
762	[(oo)] (qq) Paraldehyde;
763	[(pp)] (rr) Petrichloral;
764	[(qq)] (ss) Phenobarbital;
765	[(rr)] (tt) Pinazepam;
766	[(ss)] (uu) Prazepam;
767	[(tt)] (vv) Quazepam;
768	[(uu)] (ww) Suvorexant ;
769	(xx) Temazepam;
770	[(vv)] (yy) Tetrazepam;
771	[(ww)] (zz) Triazolam;
772	[(xx)] (aaa) Zaleplon;

- 773 [~~yy~~] **(bbb)** Zolpidem;
- 774 [~~zz~~] **(ccc)** Zopiclone;
- 775 (3) Any material, compound, mixture, or preparation which contains any quantity of the
776 following substance including its salts, isomers and salts of isomers whenever the existence of
777 such salts, isomers and salts of isomers is possible: fenfluramine;
- 778 (4) **Any material, compound, mixture, or preparation which contains any quantity**
779 **of the following substances, including its salts, isomers, and salts of isomers, whenever the**
780 **existence of such salts, isomers, and salts of isomers is possible: Lorcaserin;**
- 781 (5) Any material, compound, mixture or preparation containing any quantity of the
782 following substances having a stimulant effect on the central nervous system, including their
783 salts, isomers and salts of isomers:
- 784 (a) Cathine ((+)-norpseudoephedrine);
- 785 (b) Diethylpropion;
- 786 (c) Fencamfamin;
- 787 (d) Fenproporex;
- 788 (e) Mazindol;
- 789 (f) Mefenorex;
- 790 (g) Modafinil;
- 791 (h) Pemoline, including organometallic complexes and chelates thereof;
- 792 (i) Phentermine;
- 793 (j) Pipradrol;
- 794 (k) Sibutramine;
- 795 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 796 [~~5~~] **(6)** Any material, compound, mixture or preparation containing any quantity of the
797 following substance, including its salts:
- 798 (a) Butorphanol **(including its optical isomers)**;
- 799 (b) **Eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-**
800 **oxopropyl] [(1S)-1-(4-phenyl-1 H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic**
801 **acid) (including its optical isomers) and its salts, isomers, and salts of isomers;**
- 802 (c) Pentazocine;
- 803 [~~6~~] **(7)** Ephedrine, its salts, optical isomers and salts of optical isomers, when the
804 substance is the only active medicinal ingredient;
- 805 [~~7~~] **(8)** The department of health and senior services may except by rule any
806 compound, mixture, or preparation containing any depressant substance listed in subdivision (1)
807 of this subsection from the application of all or any part of sections 195.010 to 195.320 and
808 sections 579.015 to 579.086 if the compound, mixture, or preparation contains one or more

809 active medicinal ingredients not having a depressant effect on the central nervous system, and
810 if the admixtures are included therein in combinations, quantity, proportion, or concentration that
811 vitiate the potential for abuse of the substances which have a depressant effect on the central
812 nervous system.

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

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

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

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

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

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

827 (a) **Not more than two hundred milligrams of codeine per one hundred milliliters**
828 **or per one hundred grams;**

829 (b) **Not more than one hundred milligrams of dihydrocodeine per one hundred**
830 **milliliters or per one hundred grams;**

831 (c) **Not more than one hundred milligrams of ethylmorphine per one hundred**
832 **milliliters or per one hundred grams;**

833 (d) Not more than two and five-tenths milligrams of diphenoxylate and not less than
834 twenty-five micrograms of atropine sulfate per dosage unit;

835 [~~b~~] (e) Not more than one hundred milligrams of opium per one hundred milliliters or
836 per one hundred grams;

837 [~~c~~] (f) Not more than five-tenths milligram of difenoxin and not less than twenty-five
838 micrograms of atropine sulfate per dosage unit;

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

842 (3) Any compound, mixture, or preparation containing any detectable quantity of
843 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,

844 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
845 isomers, or salts of optical isomers;

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

849 (a) **Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also**
850 **referred to as BRV; UCB-34714; Briviact);**

851 (b) **Ezogabine [N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl**
852 **ester];**

853 (c) **Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];**

854 [~~b~~] (d) **Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid];**

855 (5) **Any drug product in finished dosage formulation that has been approved by the**
856 **U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-**
857 **methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and**
858 **no more than 0.1 percent (w/w) residual tetrahydro cannabinoids.**

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

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

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

871 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require
872 any person, prior to such person's purchasing, receiving or otherwise acquiring such compound,
873 mixture, or preparation to furnish suitable photo identification that is issued by a state or the
874 federal government or a document that, with respect to identification, is considered acceptable
875 and showing the date of birth of the person;

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

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

- 880 (1) The name, address, and signature of the purchaser;
- 881 (2) The amount of the compound, mixture, or preparation purchased;
- 882 (3) The date and time of each purchase; and
- 883 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy
884 technician who dispensed the compound, mixture, or preparation to the purchaser.
- 885 13. Each pharmacy shall submit information regarding sales of any compound, mixture,
886 or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with
887 transmission methods and frequency established by the department by regulation[;] .
- 888 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
889 greater than those specified in this chapter.
- 890 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products
891 in a pharmacy shall ensure that all such products are located only behind a pharmacy counter
892 where the public is not permitted.
- 893 16. The penalties for a knowing or reckless violation of the provisions of subsections 11
894 to 15 of this section are found in section 579.060.
- 895 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
896 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
897 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,
898 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must
899 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.
- 900 18. The manufacturer of a drug product or another interested party may apply with the
901 department of health and senior services for an exemption from this section. The department of
902 health and senior services may grant an exemption by rule from this section if the department
903 finds the drug product is not used in the illegal manufacture of methamphetamine or other
904 controlled or dangerous substances. The department of health and senior services shall rely on
905 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
906 proposed product can be used to manufacture illicit controlled substances.
- 907 19. The department of health and senior services shall revise and republish the schedules
908 annually.
- 909 20. The department of health and senior services shall promulgate rules under chapter
910 536 regarding the security and storage of Schedule V controlled substances, as described in
911 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
912 of health and senior services.
- 913 21. Logs of transactions required to be kept and maintained by this section and section
914 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
915 the person whose transactions are recorded in the logs.

195.805. 1. No edible marijuana-infused product sold in Missouri pursuant to Article XIV of the Missouri Constitution shall be designed, produced, or marketed in a manner that is designed to appeal to persons under eighteen years of age, including, but not limited to, the following:

(1) Candies, including lollipops, cotton candy, or any product using the word "candy" or "candies" on the label; or

(2) Products in the shape of a human, animal, or fruit, including realistic, artistic, caricature, or cartoon renderings.

2. Each increment of an edible marijuana-infused product containing ten or more milligrams of tetrahydrocannabinols (THC) shall be stamped with a diamond containing the letters "THC" and the number of milligrams of THC in that increment.

3. Any licensed or certified entity regulated by the department of health and senior services pursuant to Article XIV of the Missouri Constitution found to have violated the provisions of this section shall be subject to department sanctions, including an administrative penalty, in accordance with the regulations promulgated by the department pursuant to Article XIV of the Missouri Constitution.

217.735. 1. Notwithstanding any other provision of law to the contrary, the board shall supervise an offender for the duration of his or her natural life when the offender has been found guilty of an offense under:

(1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August 28, 2006; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years old and the offender is a prior sex offender as defined in subsection 2 of this section.

2. For the purpose of this section, a prior sex offender is a person who has previously pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim, or violating subdivision (2) of subsection 1 of section 568.045.

3. Subsection 1 of this section applies to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

4. A mandatory condition of lifetime supervision of an offender under this section is that the offender be electronically monitored. Electronic monitoring shall be based on a global

20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 5. In appropriate cases as determined by a risk assessment, the board may terminate the
23 supervision of an offender who is being supervised under this section when the offender is sixty-
24 five years of age or older.

25 6. In accordance with section 217.040, the board may adopt rules relating to supervision
26 and electronic monitoring of offenders under this section.

27 **7. If an offender subject to lifetime supervision under this section is supervised**
28 **during the offender's probation, parole, or conditional release in a receiving state under**
29 **the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following**
30 **completion of probation, parole, or conditional release the offender shall be permitted to**
31 **remain in the receiving state, and the board shall defer to the standards of supervision of**
32 **the receiving state, including electronic monitoring. If at any time the offender returns to**
33 **Missouri for more than thirty consecutive days, the offender shall be subject to lifetime**
34 **supervision required by this section.**

263.250. 1. The plant "marijuana", botanically known as cannabis sativa, is hereby
2 declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants
3 growing upon their land. Any person who knowingly allows such plants to grow on his land or
4 refuses to destroy such plants after being notified to do so shall allow any sheriff or such other
5 persons as designated by the county commission to enter upon any land in this state and destroy
6 such plants.

7 2. Entry to such lands shall not be made, by any sheriff or other designated person to
8 destroy such plants, until fifteen days' notice by certified mail shall be given the owner or
9 occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In
10 all such instances, the county commission shall bear the cost of destruction and notification.

11 **3. The provisions of this section shall not apply to marijuana plants grown lawfully**
12 **pursuant to Article XIV of the Missouri Constitution.**

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant is found guilty of a felony,
5 except when the defendant is found guilty of a class B felony, class A felony, or an unclassified
6 felony, under chapter [195] 579, in which case, the surcharge shall be sixty dollars. A surcharge
7 of fifteen dollars shall be assessed as costs in each court proceeding filed within this state in all
8 other criminal cases, except for traffic violation cases in which the defendant is found guilty of
9 a misdemeanor.

10 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
11 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
12 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

13 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
14 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
15 treasury. The fund shall be administered by the department of public safety. The moneys
16 deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime
17 lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052.
18 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
19 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

20 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, [2019]
21 **2029.**

 556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
4 or otherwise make any use of any resources of, a computer, computer system, or computer
5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
18 or slides, for compensation. The term commercial film and photographic print processor shall
19 include all employees of such persons but shall not include a person who develops film or makes
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
22 internal storage devices, such as internal hard drives, and internal communication devices, such
23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data

25 contained in the main unit. Printers, external modems attached by cable to the main unit,
26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central
35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,
37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

62 a. A court orders the person's release; or

63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;

66 (b) A person is not in confinement if:

67 a. The person is on probation or parole, temporary or otherwise; or

68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held
70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;

72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or

76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or

80 (c) It is induced by force, duress or deception;

81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;

83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;

86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;

88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;

90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree,

196 kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree,
197 domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree,
198 statutory rape in the first degree when the victim is a child less than twelve years of age at the
199 time of the commission of the act giving rise to the offense, statutory sodomy in the first degree
200 when the victim is a child less than twelve years of age at the time of the commission of the act
201 giving rise to the offense, child molestation in the first or second degree, abuse of a child if the
202 child dies as a result of injuries sustained from conduct chargeable under section 568.060, child
203 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the
204 child for not less than one hundred twenty days under section 565.153, and an
205 "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is
206 found to be a "habitual offender" or "habitual boating offender" as such terms are defined in
207 section 577.001, **and delivery of a controlled substance when the substance is a mixture or**
208 **substance containing a detectable amount of heroin;**

209 (20) "Dangerous instrument", any instrument, article or substance, which, under the
210 circumstances in which it is used, is readily capable of causing death or other serious physical
211 injury;

212 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
213 prepared in a formalized or other manner and intended for use in a computer or computer
214 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
215 storage media, punched cards and as may be stored in the memory of a computer;

216 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
217 shot, readily capable of producing death or serious physical injury, may be discharged, or a
218 switchblade knife, dagger, billy club, blackjack or metal knuckles;

219 (23) "Digital camera", a camera that records images in a format which enables the
220 images to be downloaded into a computer;

221 (24) "Disability", a mental, physical, or developmental impairment that substantially
222 limits one or more major life activities or the ability to provide adequately for one's care or
223 protection, whether the impairment is congenital or acquired by accident, injury or disease, where
224 such impairment is verified by medical findings;

225 (25) "Elderly person", a person sixty years of age or older;

226 (26) "Felony", an offense so designated or an offense for which persons found guilty
227 thereof may be sentenced to death or imprisonment for a term of more than one year;

228 (27) "Forcible compulsion" either:

229 (a) Physical force that overcomes reasonable resistance; or

230 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
231 physical injury or kidnapping of such person or another person;

132 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
133 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
134 communicate unwillingness to an act;

135 (29) "Infraction", a violation defined by this code or by any other statute of this state if
136 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
137 is authorized upon conviction;

138 (30) "Inhabitable structure", a vehicle, vessel or structure:

139 (a) Where any person lives or carries on business or other calling; or

140 (b) Where people assemble for purposes of business, government, education, religion,
141 entertainment, or public transportation; or

142 (c) Which is used for overnight accommodation of persons.

143 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
144 present. If a building or structure is divided into separately occupied units, any unit not occupied
145 by the actor is an inhabitable structure of another;

146 (31) "Knowingly", when used with respect to:

147 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
148 her conduct or that those circumstances exist; or

149 (b) A result of conduct, means a person is aware that his or her conduct is practically
150 certain to cause that result;

151 (32) "Law enforcement officer", any public servant having both the power and duty to
152 make arrests for violations of the laws of this state, and federal law enforcement officers
153 authorized to carry firearms and to make arrests for violations of the laws of the United States;

154 (33) "Misdemeanor", an offense so designated or an offense for which persons found
155 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
156 or less;

157 (34) "Of another", property that any entity, including but not limited to any natural
158 person, corporation, limited liability company, partnership, association, governmental
159 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
160 therein, except that property shall not be deemed property of another who has only a security
161 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
162 other security arrangement;

163 (35) "Offense", any felony or misdemeanor;

164 (36) "Physical injury", slight impairment of any function of the body or temporary loss
165 of use of any part of the body;

166 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
167 court is legally authorized to order that a person charged with or convicted of a crime be held;

168 (38) "Possess" or "possessed", having actual or constructive possession of an object with
169 knowledge of its presence. A person has actual possession if such person has the object on his
170 or her person or within easy reach and convenient control. A person has constructive possession
171 if such person has the power and the intention at a given time to exercise dominion or control
172 over the object either directly or through another person or persons. Possession may also be sole
173 or joint. If one person alone has possession of an object, possession is sole. If two or more
174 persons share possession of an object, possession is joint;

175 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
176 possession or in action;

177 (40) "Public servant", any person employed in any way by a government of this state who
178 is compensated by the government by reason of such person's employment, any person appointed
179 to a position with any government of this state, or any person elected to a position with any
180 government of this state. It includes, but is not limited to, legislators, jurors, members of the
181 judiciary and law enforcement officers. It does not include witnesses;

182 (41) "Purposefully", when used with respect to a person's conduct or to a result thereof,
183 means when it is his or her conscious object to engage in that conduct or to cause that result;

184 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
185 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
186 from the standard of care which a reasonable person would exercise in the situation;

187 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
188 permanent medical or psychological damage, manifested by impairment of a behavioral,
189 cognitive or physical condition. Serious emotional injury shall be established by testimony of
190 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
191 medical or psychological certainty;

192 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
193 that causes serious disfigurement or protracted loss or impairment of the function of any part of
194 the body;

195 (45) "Services", when used in relation to a computer system or network, means use of
196 a computer, computer system, or computer network and includes, but is not limited to, computer
197 time, data processing, and storage or retrieval functions;

198 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
199 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
200 associated with one's gender;

201 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
202 excluding vessels or aircraft;

203 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
204 such motor or machinery is a principal source of propulsion used or capable of being used as a
205 means of transportation on water, or any boat or craft more than twelve feet in length which is
206 powered by sail alone or by a combination of sail and machinery, and used or capable of being
207 used as a means of transportation on water, but not any boat or craft having, as the only means
208 of propulsion, a paddle or oars;

209 (49) "Voluntary act":

210 (a) A bodily movement performed while conscious as a result of effort or determination.
211 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,
212 or having acquired control of it was aware of his or her control for a sufficient time to have
213 enabled him or her to dispose of it or terminate his or her control; or

214 (b) An omission to perform an act of which the actor is physically capable. A person is
215 not guilty of an offense based solely upon an omission to perform an act unless the law defining
216 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
217 law;

218 (50) "Vulnerable person", any person in the custody, care, or control of the department
219 of mental health who is receiving services from an operated, funded, licensed, or certified
220 program.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants
2 probation to an offender who has been found guilty of an offense in:

3 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
4 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August
5 28, 2006; or

6 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
7 committed on or after January 1, 2017, against a victim who was less than fourteen years of age
8 and the offender is a prior sex offender as defined in subsection 2 of this section;
9 the court shall order that the offender be supervised by the board of probation and parole for the
10 duration of his or her natural life.

11 2. For the purpose of this section, a prior sex offender is a person who has previously
12 been found guilty of an offense contained in chapter 566, or violating section 568.020, when the
13 person had sexual intercourse or deviate sexual intercourse with the victim, or of violating
14 subdivision (2) of subsection 1 of section 568.045.

15 3. When probation for the duration of the offender's natural life has been ordered, a
16 mandatory condition of such probation is that the offender be electronically monitored.
17 Electronic monitoring shall be based on a global positioning system or other technology that
18 identifies and records the offender's location at all times.

19 4. In appropriate cases as determined by a risk assessment, the court may terminate the
20 probation of an offender who is being supervised under this section when the offender is sixty-
21 five years of age or older.

22 **5. If an offender subject to lifetime supervision under this section is supervised**
23 **during the offender's probation, parole, or conditional release in a receiving state under**
24 **the interstate compact authorized in sections 589.500 to 589.569 and chapter 559, following**
25 **completion of probation, parole, or conditional release the offender shall be permitted to**
26 **remain in the receiving state, and the board shall defer to the standards of supervision of**
27 **the receiving state, including electronic monitoring. If at any time the offender returns to**
28 **Missouri for more than thirty consecutive days, the offender shall be subject to lifetime**
29 **supervision required by this section.**

565.021. 1. A person commits the offense of murder in the second degree if he or she:

2 (1) Knowingly causes the death of another person or, with the purpose of causing serious
3 physical injury to another person, causes the death of another person; ~~or~~

4 (2) Commits or attempts to commit any felony, and, in the perpetration or the attempted
5 perpetration of such felony or in the flight from the perpetration or attempted perpetration of
6 such felony, another person is killed as a result of the perpetration or attempted perpetration of
7 such felony or immediate flight from the perpetration of such felony or attempted perpetration
8 of such felony; or

9 **(3) Knowingly manufactures, delivers, or distributes a Schedule I or II controlled**
10 **substance, as described in section 195.017 and regulations promulgated by the department**
11 **of health and senior services and excluding marijuana for medical use as authorized by**
12 **Article XVI of the Missouri Constitution, in violation of chapter 195 or 579, and such**
13 **controlled substance thereafter is the proximate cause of the death of another person who**
14 **uses or consumes such controlled substance. It shall not be a defense that the defendant**
15 **did not directly deliver or distribute the controlled substance to the decedent.**

16 2. The offense of murder in the second degree is a class A felony, and the punishment
17 for second degree murder shall be in addition to the punishment for commission of a related
18 felony or attempted felony, other than murder or manslaughter.

19 3. Notwithstanding section 556.046 and section 565.029, in any charge of murder in the
20 second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge shall consider,
21 any and all of the subdivisions in subsection 1 of this section which are supported by the
22 evidence and requested by one of the parties or the court.

579.015. 1. A person commits the offense of possession of a controlled substance if he
2 or she knowingly possesses a controlled substance, except as authorized by this chapter or
3 chapter 195.

4 2. The offense of possession of any controlled substance except thirty-five grams or less
5 of marijuana or any synthetic cannabinoid is a class D felony. **If the defendant is an**
6 **emergency care provider, as defined in section 191.630, or a home health care employee,**
7 **a hospice employee, an in-home care employee, a personal care assistant, or any other**
8 **individual who provides home health services, as defined in section 197.400, or personal**
9 **care assistance services, as defined in section 208.900, to patients and who knowingly and**
10 **unlawfully possesses such controlled substance belonging to the patient or another member**
11 **of the patient's household, the offense is a class C felony.**

12 3. The offense of possession of more than ten grams but thirty-five grams or less of
13 marijuana or any synthetic cannabinoid is a class A misdemeanor.

14 4. The offense of possession of not more than ten grams of marijuana or any synthetic
15 cannabinoid is a class D misdemeanor. If the defendant has previously been found guilty of any
16 offense of the laws related to controlled substances of this state, or of the United States, or any
17 state, territory, or district, the offense is a class A misdemeanor. Prior findings of guilt shall be
18 pleaded and proven in the same manner as required by section 558.021.

19 5. In any complaint, information, or indictment, and in any action or proceeding brought
20 for the enforcement of any provision of this chapter or chapter 195, it shall not be necessary to
21 include any exception, excuse, proviso, or exemption contained in this chapter or chapter 195,
22 and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the
23 defendant.

579.020. 1. A person commits the offense of delivery of a controlled substance if,
2 except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly distributes or delivers a controlled substance;

4 (2) Attempts to distribute or deliver a controlled substance;

5 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver
6 any amount of a controlled substance; or

7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
8 substances.

9 2. Except when the controlled substance is thirty-five grams or less of marijuana or
10 synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense
11 of delivery of a controlled substance is a class C felony.

12 3. Except as otherwise provided under subsection 4 of this section, the offense of
13 delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

14 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic
15 cannabinoid to a person less than seventeen years of age who is at least two years younger than
16 the defendant is a class C felony.

17 5. The offense of delivery of a controlled substance is a class B felony if:

18 (1) The delivery or distribution is any amount of a controlled substance except thirty-five
19 grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years of age
20 who is at least two years younger than the defendant; ~~or~~

21 (2) The person knowingly permits a minor to purchase or transport illegally obtained
22 controlled substances; **or**

23 **(3) The person knowingly distributes or delivers a mixture or substance containing**
24 **a detectable amount of heroin.**

579.065. 1. A person commits the offense of trafficking drugs in the first degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
3 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

4 (1) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams ~~[but less than four hundred fifty grams]~~ of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams ~~[but less than twenty-four grams]~~ of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams ~~[but less than one gram]~~ of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams ~~[but less than ninety grams]~~ of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams ~~[but less than twelve grams]~~ of phencyclidine;

19 (7) More than thirty kilograms ~~[but less than one hundred kilograms]~~ of a mixture or
20 substance containing marijuana, **excluding medical marijuana pursuant to Article XIV of the**
21 **Missouri Constitution;**

22 (8) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound,
23 mixture, or preparation containing any quantity of the following substances having a stimulant
24 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
25 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
26 phenmetrazine and its salts; or methylphenidate; ~~or~~

27 (9) More than thirty grams ~~[but less than ninety grams]~~ of any material, compound,
28 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

- 29 **(10) One gram or more of flunitrazepam for the first offense;**
30 **(11) Any amount of gamma-hydroxybutyric acid for the first offense;**
31 **(12) More than ten milligrams of fentanyl, or any derivative thereof, or any**
32 **compound, mixture, or substance containing more than ten milligrams of fentanyl,**
33 **carfentanyl, or their optical isomers or analogues; or**
34 **(13) More than ten milligrams but less than fifty milligrams of fentanyl or**
35 **carfentanil, or any derivative thereof, or any combination thereof, or any mixture or**
36 **substance containing a detectable amount of fentanyl or carfentanil.**
- 37 2. The offense of trafficking drugs in the first degree is a class B felony.
- 38 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
39 involved is:
- 40 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
41 heroin; or
- 42 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
43 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
44 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
45 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
46 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
47 any of the foregoing substances; or
- 48 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
49 of this subsection which contains cocaine base; or
- 50 (4) One gram or more of a mixture or substance containing a detectable amount of
51 lysergic acid diethylamide (LSD); or
- 52 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
53 phencyclidine (PCP); or
- 54 (6) Twelve grams or more of phencyclidine; or
- 55 (7) One hundred kilograms or more of a mixture or substance containing marijuana,
56 **excluding medical marijuana pursuant to Article XIV of the Missouri Constitution;** or
- 57 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
58 any quantity of the following substances having a stimulant effect on the central nervous system:
59 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its
60 salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or
61 methylphenidate; or
- 62 (9) More than thirty grams of any material, compound, mixture, or preparation
63 containing any quantity of the following substances having a stimulant effect on the central
64 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;

65 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine and
66 its salts; or methylphenidate, and the location of the offense was within two thousand feet of real
67 property comprising a public or private elementary, vocational, or secondary school, college,
68 community college, university, or any school bus, in or on the real property comprising public
69 housing or any other governmental assisted housing, or within a motor vehicle, or in any
70 structure or building which contains rooms furnished for the accommodation or lodging of
71 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
72 accommodations are sought for pay or compensation to transient guests or permanent guests; or

73 (10) Ninety grams or more of any material, compound, mixture or preparation which
74 contains any quantity of 3,4-methylenedioxymethamphetamine; or

75 (11) More than thirty grams of any material, compound, mixture, or preparation which
76 contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense
77 was within two thousand feet of real property comprising a public or private elementary,
78 vocational, or secondary school, college, community college, university, or any school bus, in
79 or on the real property comprising public housing or any other governmental assisted housing,
80 within a motor vehicle, or in any structure or building which contains rooms furnished for the
81 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the
82 public as a place where sleeping accommodations are sought for pay or compensation to transient
83 guests or permanent guests;

84 (12) **One gram or more of flunitrazepam for a second or subsequent offense;**

85 (13) **Any amount of gamma-hydroxybutyric acid for a second or subsequent**
86 **offense;**

87 (14) **Twenty milligrams or more of fentanyl, or any derivative thereof, or any**
88 **compound, mixture, or substance containing twenty milligrams or more of fentanyl,**
89 **carfentanyl, or their optical isomers or analogues; or**

90 (15) **Fifty milligrams or more of fentanyl or carfentanil, or any derivative thereof,**
91 **or any combination thereof, or any mixture or substance containing a detectable amount**
92 **of fentanyl or carfentanil.**

579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
2 except as authorized by this chapter or chapter 195, such person knowingly possesses or has
3 under his or her control, purchases or attempts to purchase, or brings into this state:

4 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
5 containing a detectable amount of heroin;

6 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a
7 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
8 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts

9 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
11 or preparation which contains any quantity of any of the foregoing substances;

12 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
13 described in subdivision (2) of this subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
15 containing a detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance
17 containing a detectable amount of phencyclidine (PCP);

18 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

19 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
20 substance containing marijuana, **excluding medical marijuana pursuant to Article XIV of the**
21 **Missouri Constitution;**

22 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
23 mixture, or preparation containing any quantity of the following substances having a stimulant
24 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its
25 optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
26 phenmetrazine and its salts; or methylphenidate; [or]

27 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound,
28 mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine;

29 **(10) More than ten milligrams of fentanyl, or any derivative thereof, or any**
30 **compound, mixture, or substance containing more than ten milligrams of fentanyl,**
31 **carfentanyl, or their optical isomers or analogues; or**

32 **(11) More than ten milligrams but less than fifty milligrams of fentanyl or**
33 **carfentanil, or any derivative thereof, or any combination thereof, or any mixture or**
34 **substance containing a detectable amount of fentanyl or carfentanil.**

35 2. The offense of trafficking drugs in the second degree is a class C felony.

36 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity
37 involved is:

38 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
39 heroin; or

40 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
41 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
42 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
43 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,

44 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of
45 any of the foregoing substances; or

46 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2)
47 of this subsection which contains cocaine base; or

48 (4) One gram or more of a mixture or substance containing a detectable amount of
49 lysergic acid diethylamide (LSD); or

50 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
51 phencyclidine (PCP); or

52 (6) Twelve grams or more of phencyclidine; or

53 (7) One hundred kilograms or more of a mixture or substance containing marijuana,
54 **excluding medical marijuana pursuant to Article XIV of the Missouri Constitution;** or

55 (8) More than five hundred marijuana plants, **excluding medical marijuana pursuant**
56 **to article XIV of the Missouri Constitution;** or

57 (9) Ninety grams or more but less than four hundred fifty grams of any material,
58 compound, mixture, or preparation containing any quantity of the following substances having
59 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
60 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
61 phenmetrazine and its salts; or methylphenidate; or

62 (10) Ninety grams or more but less than four hundred fifty grams of any material,
63 compound, mixture, or preparation which contains any quantity of 3,4-
64 methylenedioxymethamphetamine;

65 (11) **Twenty milligrams or more of fentanyl, or any derivative thereof, or any**
66 **compound, mixture, or substance containing twenty milligrams or more of fentanyl,**
67 **carfentanyl, or their optical isomers or analogues; or**

68 (12) **Fifty milligrams or more of fentanyl or carfentanil, or any derivative thereof,**
69 **or any combination thereof, or any mixture or substance containing a detectable amount**
70 **of fentanyl or carfentanil.**

71 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity
72 involved is four hundred fifty grams or more of any material, compound, mixture or preparation
73 which contains:

74 (1) Any quantity of the following substances having a stimulant effect on the central
75 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
76 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
77 methylphenidate; or

78 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

79 **5. The offense of drug trafficking in the second degree is a class C felony for the**
80 **first offense and a class B felony for any second or subsequent offense for the trafficking**
81 **of less than one gram of flunitrazepam.**

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2 (1) Any person who, since July 1, 1979, has been or is hereafter adjudicated for an
3 offense referenced in section 589.414, unless such person is exempt from registering under
4 subsection 9 or 10 of this section or section 589.401;

5 (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found
6 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring
7 to commit one or more of the following offenses: kidnapping or kidnapping in the first degree
8 when the victim was a child and the defendant was not a parent or guardian of the child; abuse
9 of a child under section 568.060 when such abuse is sexual in nature; felonious restraint or
10 kidnapping in the second degree when the victim was a child and the defendant is not a parent
11 or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home
12 or sexual conduct with a nursing facility resident or vulnerable person in the first or second
13 degree; endangering the welfare of a child under section 568.045 when the endangerment is
14 sexual in nature; genital mutilation of a female child, under section 568.065; promoting
15 prostitution in the first degree; promoting prostitution in the second degree; promoting
16 prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in
17 the first degree; promoting child pornography in the second degree; possession of child
18 pornography; furnishing pornographic material to minors; public display of explicit sexual
19 material; coercing acceptance of obscene material; promoting obscenity in the first degree;
20 promoting pornography for minors or obscenity in the second degree; incest; use of a child in a
21 sexual performance; or promoting sexual performance by a child; patronizing prostitution if the
22 individual the person patronizes is less than eighteen years of age;

23 (3) Any person who, since July 1, 1979, has been committed to the department of mental
24 health as a criminal sexual psychopath;

25 (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental
26 disease or defect of any offense referenced in section 589.414;

27 (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction
28 who has been adjudicated for an offense listed under section 589.414;

29 (6) Any juvenile fourteen years of age or older at the time of the offense who has been
30 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under
31 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

32 (7) Any person who is a resident of this state who has, since July 1, 1979, been or is
33 hereafter adjudicated in any other state, territory, the District of Columbia, or foreign country,

34 or under federal, tribal, or military jurisdiction for an offense which, if committed in this state,
35 would constitute an offense listed under section 589.414, or has been or is required to register
36 in another state, territory, the District of Columbia, or foreign country, or has been or is required
37 to register under tribal, federal, or military law; or

38 (8) Any person who has been or is required to register in another state, territory, the
39 District of Columbia, or foreign country, or has been or is required to register under tribal,
40 federal, or military law and who works or attends an educational institution, whether public or
41 private in nature, including any secondary school, trade school, professional school, or institution
42 of higher education on a full-time or on a part-time basis or has a temporary residence in
43 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month
44 period.

45 2. Any person to whom sections 589.400 to 589.425 apply shall, within three business
46 days of adjudication, release from incarceration, or placement upon probation, register with the
47 chief law enforcement official of the county or city not within a county in which such person
48 resides unless such person has already registered in that county for the same offense. For any
49 juvenile under subdivision (6) of subsection 1 of this section, within three business days of
50 adjudication or release from commitment to the division of youth services, the department of
51 mental health, or other placement, such juvenile shall register with the chief law enforcement
52 official of the county or city not within a county in which he or she resides unless he or she has
53 already registered in such county or city not within a county for the same offense. Any person
54 to whom sections 589.400 to 589.425 apply if not currently registered in their county of
55 residence shall register with the chief law enforcement official of such county or city not within
56 a county within three business days. The chief law enforcement official shall forward a copy of
57 the registration form required by section 589.407 to a city, town, village, or campus law
58 enforcement agency located within the county of the chief law enforcement official.

59 3. The registration requirements of sections 589.400 through 589.425 shall be as
60 provided under subsection 4 of this section unless:

61 (1) All offenses requiring registration are reversed, vacated, or set aside; **or**

62 (2) ~~[(The registrant is no longer required to register and his or her name shall be removed~~
63 ~~from the registry under the provisions of section 589.414, or~~

64 ~~——(3)] The court orders the removal or exemption of such person from the registry under~~
65 ~~section 589.401.~~

66 4. The registration requirements shall be as follows:

67 (1) Fifteen years if the offender is a tier I sex offender as provided under section
68 589.414;

69 (2) Twenty-five years if the offender is a tier II sex offender as provided under section
70 589.414; or

71 (3) The life of the offender if the offender is a tier III sex offender.

72 5. (1) The registration period shall be reduced as described in subdivision (3) of this
73 subsection for a sex offender who maintains a clean record for the periods described under
74 subdivision (2) of this subsection by:

75 (a) Not being adjudicated of any offense for which imprisonment for more than one year
76 may be imposed;

77 (b) Not being adjudicated of any sex offense;

78 (c) Successfully completing any periods of supervised release, probation, or parole; and

79 (d) Successfully completing an appropriate sex offender treatment program certified by
80 the attorney general.

81 (2) In the case of a:

82 (a) Tier I sex offender, the period during which the clean record shall be maintained is
83 ten years;

84 (b) Tier III sex offender adjudicated delinquent for the offense which required
85 registration in a sex offender registry under sections 589.400 to 589.425, the period during which
86 the clean record shall be maintained is twenty-five years.

87 (3) In the case of a:

88 (a) Tier I sex offender, the reduction is five years;

89 (b) Tier III sex offender adjudicated delinquent, the reduction is from life to that period
90 for which the clean record under paragraph (b) of subdivision (2) of this subsection is
91 maintained.

92 6. For processing an initial sex offender registration the chief law enforcement officer
93 of the county or city not within a county may charge the offender registering a fee of up to ten
94 dollars.

95 7. For processing any change in registration required pursuant to section 589.414 the
96 chief law enforcement official of the county or city not within a county may charge the person
97 changing their registration a fee of five dollars for each change made after the initial registration.

98 8. Any person currently on the sexual offender registry or who otherwise would be
99 required to register for being adjudicated for the offense of felonious restraint of a nonsexual
100 nature when the victim was a child and he or she was the parent or guardian of the child,
101 nonsexual child abuse that was committed under section 568.060, or kidnapping of a nonsexual
102 nature when the victim was a child and he or she was the parent or guardian of the child shall be
103 removed from the registry. However, such person shall remain on the sexual offender registry

104 for any other offense for which he or she is required to register under sections 589.400 to
105 589.425.

106 9. The following persons shall be exempt from registering as a sexual offender upon
107 petition to the court of jurisdiction under section 589.401; except that, such person shall remain
108 on the sexual offender registry for any other offense for which he or she is required to register
109 under sections 589.400 to 589.425:

110 (1) Any person currently on the sexual offender registry or who otherwise would be
111 required to register for a sexual offense involving:

112 (a) Sexual conduct where no force or threat of force was directed toward the victim or
113 any other individual involved, if the victim was an adult, unless the adult was under the custodial
114 authority of the offender at the time of the offense; or

115 (b) Sexual conduct where no force or threat of force was directed toward the victim, the
116 victim was at least fourteen years of age, and the offender was not more than four years older
117 than the victim at the time of the offense; or

118 (2) Any person currently required to register for the following sexual offenses:

119 (a) Promoting obscenity in the first degree under section 573.020;

120 (b) Promoting obscenity in the second degree under section 573.030;

121 (c) Furnishing pornographic materials to minors under section 573.040;

122 (d) Public display of explicit sexual material under section 573.060;

123 (e) Coercing acceptance of obscene material under section 573.065;

124 (f) Trafficking for the purpose of slavery, involuntary servitude, peonage, or forced labor
125 under section 566.206;

126 (g) Abusing an individual through forced labor under section 566.203;

127 (h) Contributing to human trafficking through the misuse of documentation under section
128 566.215; or

129 (i) Acting as an international marriage broker and failing to provide the information and
130 notice as required under section 578.475.

131 10. Any person currently on the sexual offender registry for having been adjudicated for
132 a tier I or II offense or adjudicated delinquent for a tier III offense or other comparable offenses
133 listed under section 589.414 may file a petition under section 589.401.

134 11. Any nonresident worker, including work as a volunteer or intern, or nonresident
135 student shall register for the duration of such person's employment, including participation as a
136 volunteer or intern, or attendance at any school of higher education whether public or private,
137 including any secondary school, trade school, professional school, or institution of higher
138 education on a full-time or part-time basis in this state unless granted relief under section
139 589.401. Any registered offender shall provide information regarding any place in which the

140 offender is staying when away from his or her residence for seven or more days, including the
141 period of time the offender is staying in such place. Any registered offender from another state
142 who has a temporary residence in this state and resides more than seven days in a twelve-month
143 period shall register for the duration of such person's temporary residency unless granted relief
144 under section 589.401.

589.401. 1. A person on the sexual offender registry may file a petition in the division
2 of the circuit court in the county or city not within a county in which the offense requiring
3 registration was committed to have his or her name removed from the sexual offender registry.

4 2. A person who is required to register in this state because of an offense that was
5 adjudicated in another jurisdiction shall file his or her petition for removal according to the laws
6 of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or foreign
7 country in which his or her offense was adjudicated. Upon the grant of the petition for removal
8 in the jurisdiction where the offense was adjudicated, such judgment may be registered in this
9 state by sending the information required under subsection 5 of this section as well as one
10 authenticated copy of the order granting removal from the sexual offender registry in the
11 jurisdiction where the offense was adjudicated to the court in the county or city not within a
12 county in which the offender is required to register. On receipt of a request for registration
13 removal, the registering court shall cause the order to be filed as a foreign judgment, together
14 with one copy of the documents and information, regardless of their form. The petitioner shall
15 be responsible for costs associated with filing the petition.

16 3. A person required to register as a tier III offender shall not file a petition under this
17 section unless the requirement to register results from a juvenile adjudication.

18 4. The petition shall be dismissed without prejudice if the following time periods have
19 not elapsed since the date the person was required to register for his or her most recent offense
20 under sections 589.400 to 589.425:

- 21 (1) For a tier I offense, ten years;
- 22 (2) For a tier II offense, twenty-five years; or
- 23 (3) For a tier III offense adjudicated delinquent, twenty-five years.

24 5. The petition shall be dismissed without prejudice if it fails to include any of the
25 following:

- 26 (1) The petitioner's:
 - 27 (a) Full name, including any alias used by the individual;
 - 28 (b) Sex;
 - 29 (c) Race;
 - 30 (d) Date of birth;
 - 31 (e) Last four digits of the Social Security number;

- 32 (f) Address; and
- 33 (g) Place of employment, school, or volunteer status;
- 34 (2) The offense and tier of the offense that required the petitioner to register;
- 35 (3) The date the petitioner was adjudicated for the offense;
- 36 (4) The date the petitioner was required to register;
- 37 (5) The case number and court, including the county or city not within a county, that
- 38 entered the original order for the adjudicated sex offense;
- 39 (6) Petitioner's fingerprints on an applicant fingerprint card;
- 40 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
- 41 vacated, or set aside, an authenticated copy of the order; and
- 42 (8) If the petitioner is currently registered under applicable law and has not been
- 43 adjudicated for failure to register in any jurisdiction and does not have any charges pending for
- 44 failure to register.
- 45 6. The petition shall name as respondents the Missouri state highway patrol and the chief
- 46 law enforcement official in the county or city not within a county in which the petition is filed.
- 47 7. All proceedings under this section shall be governed under the Missouri supreme court
- 48 rules of civil procedure.
- 49 8. The person seeking removal or exemption from the registry shall provide the
- 50 prosecuting attorney in the circuit court in which the petition is filed with notice of the petition.
- 51 The prosecuting attorney may present evidence in opposition to the requested relief or may
- 52 otherwise demonstrate the reasons why the petition should be denied. Failure of the person
- 53 seeking removal or exemption from the registry to notify the prosecuting attorney of the petition
- 54 shall result in an automatic denial of such person's petition.
- 55 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
- 56 access to all applicable records concerning the petitioner including, but not limited to, criminal
- 57 history records, mental health records, juvenile records, and records of the department of
- 58 corrections or probation and parole.
- 59 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
- 60 crime for which the person was required to register of the petition and the dates and times of any
- 61 hearings or other proceedings in connection with such petition.
- 62 11. The court shall not enter an order directing the removal of the petitioner's name from
- 63 the sexual offender registry unless it finds the petitioner:
- 64 (1) Has not been adjudicated or does not have charges pending for any additional
- 65 nonsexual offense for which imprisonment for more than one year may be imposed since the date
- 66 the offender was required to register for his or her current tier level;

67 (2) Has not been adjudicated or does not have charges pending for any additional sex
68 offense that would require registration under sections 589.400 to 589.425 since the date the
69 offender was required to register for his or her current tier level, even if the offense was
70 punishable by less than one year imprisonment;

71 (3) Has successfully completed any required periods of supervised release, probation,
72 or parole without revocation since the date the offender was required to register for his or her
73 current tier level;

74 (4) Has successfully completed an appropriate sex offender treatment program as
75 approved by a court of competent jurisdiction or the Missouri department of corrections; and

76 (5) Is not a current or potential threat to public safety.

77 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11 of
78 this section, the fingerprints filed in the case shall be examined by the Missouri state highway
79 patrol. The petitioner shall be responsible for all costs associated with the fingerprint-based
80 criminal history check of both state and federal files under section 43.530.

81 13. If the petition is denied due to an adjudication in violation of subdivision (1) or (2)
82 of subsection 11 of this section, the petitioner shall not file a new petition under this section
83 until:

84 (1) Fifteen years have passed from the date of the adjudication resulting in the denial of
85 relief if the petitioner is classified as a tier I offender;

86 (2) Twenty-five years have passed from the date of adjudication resulting in the denial
87 of relief if the petitioner is classified as a tier II offender; or

88 (3) Twenty-five years have passed from the date of the adjudication resulting in the
89 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
90 adjudication.

91 14. If the petition is denied due to the petitioner having charges pending in violation of
92 subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new petition
93 under this section until:

94 (1) The pending charges resulting in the denial of relief have been finally disposed of in
95 a manner other than adjudication; or

96 (2) If the pending charges result in an adjudication, the necessary time period has elapsed
97 under subsection 13 of this section.

98 15. If the petition is denied for reasons other than those outlined in subsection 11 of this
99 section, no successive petition requesting such relief shall be filed for at least five years from the
100 date the judgment denying relief is entered.

101 16. If the court finds the petitioner is entitled to have his or her name removed from the
102 sexual offender registry, the court shall enter judgment directing the removal of the name. A
103 copy of the judgment shall be provided to the respondents named in the petition.

104 17. Any person subject to the judgment requiring his or her name to be removed from
105 the sexual offender registry is not required to register under sections 589.400 to 589.425 unless
106 such person is required to register for an offense that was different from that listed on the
107 judgment of removal.

108 18. The court shall not deny the petition unless the petition failed to comply with the
109 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
110 demonstrating the petition should be denied.

 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within
2 three business days, appear in person to the chief law enforcement officer of the county or city
3 not within a county if there is a change to any of the following information:

- 4 (1) Name;
- 5 (2) Residence;
- 6 (3) Employment, including status as a volunteer or intern;
- 7 (4) Student status; or
- 8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within three
10 business days, notify the chief law enforcement official of the county or city not within a county
11 of any changes to the following information:

- 12 (1) Vehicle information;
- 13 (2) Temporary lodging information;
- 14 (3) Temporary residence information;
- 15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or
- 17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately forward the registration changes described under subsections 1 and 2 of this section
21 to the Missouri state highway patrol within three business days.

22 4. If any person required by sections 589.400 to 589.425 to register changes such
23 person's residence or address to a different county or city not within a county, the person shall
24 appear in person and shall inform both the chief law enforcement official with whom the person
25 last registered and the chief law enforcement official of the county or city not within a county
26 having jurisdiction over the new residence or address in writing within three business days of

27 such new address and phone number, if the phone number is also changed. If any person
 28 required by sections 589.400 to 589.425 to register changes his or her state, territory, the District
 29 of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person
 30 shall appear in person and shall inform both the chief law enforcement official with whom the
 31 person was last registered and the chief law enforcement official of the area in the new state,
 32 territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction
 33 having jurisdiction over the new residence or address within three business days of such new
 34 address. Whenever a registrant changes residence, the chief law enforcement official of the
 35 county or city not within a county where the person was previously registered shall inform the
 36 Missouri state highway patrol of the change within three business days. When the registrant is
 37 changing the residence to a new state, territory, the District of Columbia, or foreign country, or
 38 federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the
 39 responsible official in the new state, territory, the District of Columbia, or foreign country, or
 40 federal, tribal, or military jurisdiction of residence within three business days.

41 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
 42 section, shall report in person to the chief law enforcement official annually in the month of their
 43 birth to verify the information contained in their statement made pursuant to section 589.407.
 44 Tier I sexual offenders include:

45 (1) Any offender who has been adjudicated for the offense of:

46 (a) ~~Sexual abuse in the first degree under section 566.100 if the victim is eighteen years~~
 47 ~~of age or older;~~

48 ~~_____ (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and~~
 49 ~~the punishment is less than one year;~~

50 ~~_____ (c) Sexual misconduct in the first degree under section 566.090 as it existed prior~~
 51 ~~to August 28, 2013, or sexual abuse in the second degree under section 566.101 [if the~~
 52 ~~punishment is less than a year] , if either offense is a misdemeanor;~~

53 ~~[(d) Kidnapping in the second degree under section 565.120 with sexual motivation;~~

54 ~~_____ (e) Kidnapping in the third degree under section 565.130;~~

55 ~~(f) (b) Sexual conduct with a nursing facility resident or vulnerable person in the first~~
 56 ~~degree under section 566.115 [if the punishment is less than one year] if the offense is a~~
 57 ~~misdemeanor;~~

58 ~~[(g) (c) Sexual conduct under section 566.116 with a nursing facility resident or~~
 59 ~~vulnerable person;~~

60 ~~[(h) (d) Sexual [contact] conduct with a prisoner or offender under section 566.145 if~~
 61 ~~the victim is eighteen years of age or older;~~

62 ~~[(i) (e) Sex with an animal under section 566.111;~~

63 ~~[(j)]~~ (f) Trafficking for the purpose of sexual exploitation under section 566.209 if the
64 victim is eighteen years of age or older;

65 ~~[(k)]~~ (g) Possession of child pornography under section 573.037;

66 ~~[(l)]~~ (h) **Sexual misconduct in the second degree under section 566.093 as it existed**
67 **prior to August 28, 2013, or** sexual misconduct in the first degree under section 566.093;

68 ~~[(m)]~~ (i) **Sexual misconduct in the third degree under section 566.095 as it existed**
69 **prior to August 28, 2013, or** sexual misconduct in the second degree under section 566.095;

70 ~~[(n)]~~ (j) Child molestation in the second degree under section 566.068 as it existed prior
71 to January 1, 2017, ~~[if the punishment is less than one year]~~ **if the offense is a misdemeanor;**
72 **[or**

73 ~~———(o)]~~ (k) Invasion of privacy under section 565.252 if the victim is less than eighteen
74 years of age; **or**

75 **(l) Sexual assault in the second degree under section 566.050 as it existed prior to**
76 **August 28, 1994, if no force or threat of force was used and no injury was inflicted on any**
77 **person;**

78 (2) Any offender who is or has been adjudicated in any other state, territory, the District
79 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of
80 a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in
81 this subsection or, if not comparable to those in this subsection, comparable to those described
82 as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
83 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

84 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
85 section, shall report semiannually in person in the month of their birth and six months thereafter
86 to the chief law enforcement official to verify the information contained in their statement made
87 pursuant to section 589.407. Tier II sexual offenders include:

88 (1) Any offender who has been adjudicated for the offense of:

89 (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen
90 to seventeen years of age;

91 (b) Child molestation in the third degree under section 566.069 if the victim is between
92 thirteen and fourteen years of age;

93 (c) ~~[Sexual contact with a student under section 566.086 if the victim is thirteen to~~
94 ~~seventeen years of age;~~

95 ~~———(d)]~~ Enticement of a child under section 566.151;

96 ~~[(e)]~~ (d) Abuse of a child under section 568.060 if the offense is of a sexual nature and
97 the victim is thirteen to seventeen years of age;

98 ~~[(f)]~~ (e) Sexual exploitation of a minor under section 573.023;

- 99 ~~[(g)]~~ (f) Promoting child pornography in the first degree under section 573.025;
- 100 ~~[(h)]~~ (g) Promoting child pornography in the second degree under section 573.035;
- 101 ~~[(i)]~~ (h) Patronizing prostitution under section 567.030;
- 102 ~~[(j)]~~ (i) Sexual contact with a prisoner or offender under section 566.145 if the victim
- 103 is thirteen to seventeen years of age;
- 104 ~~[(k)]~~ (j) Child molestation in the fourth degree under section 566.071 if the victim is
- 105 thirteen to seventeen years of age;
- 106 ~~[(l)]~~ (k) Sexual misconduct involving a child under section 566.083 if it is a first offense
- 107 ~~[and the penalty is a term of imprisonment of more than a year]; [or]~~
- 108 ~~[(m)]~~ (l) Age misrepresentation with intent to solicit a minor under section 566.153; **or**
- 109 **(m) Sexual misconduct in the first degree under section 566.090 as it existed prior**
- 110 **to August 28, 2013, or sexual abuse in the second degree under section 566.101, if either**
- 111 **offense is a felony;**
- 112 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in
- 113 this section or failure to register offense under section 589.425 or comparable out-of-state failure
- 114 to register offense and who is already required to register as a tier I offender due to having been
- 115 adjudicated of a tier I offense on a previous occasion; or
- 116 (3) Any person who is or has been adjudicated in any other state, territory, the District
- 117 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
- 118 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed
- 119 in this subsection or, if not comparable to those in this subsection, comparable to those described
- 120 as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam
- 121 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.
- 122 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this
- 123 section, shall report in person to the chief law enforcement official every ninety days to verify
- 124 the information contained in their statement made under section 589.407. Tier III sexual
- 125 offenders include:
- 126 (1) Any offender registered as a predatory sexual offender as defined in section
- 127 ~~[566.123]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;
- 128 (2) Any offender who has been adjudicated for the crime of:
- 129 (a) Rape in the first degree under section 566.030;
- 130 (b) Statutory rape in the first degree under section 566.032;
- 131 (c) Rape in the second degree under section 566.031;
- 132 (d) Endangering the welfare of a child in the first degree under section 568.045 if the
- 133 offense is sexual in nature;
- 134 (e) Sodomy in the first degree under section 566.060;

- 135 (f) Statutory sodomy under section 566.062;
- 136 (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
- 137 (h) Sodomy in the second degree under section 566.061;
- 138 (i) Sexual misconduct involving a child under section 566.083 if the offense is a second
139 or subsequent offense;
- 140 (j) **Sexual abuse under section 566.100 as it existed prior to August 28, 2013, or**
141 sexual abuse in the first degree under section 566.100 ~~[if the victim is under thirteen years of~~
142 ~~age]~~;
- 143 (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen
144 years of age, excluding kidnapping by a parent or guardian;
- 145 (l) Child kidnapping under section 565.115;
- 146 (m) Sexual conduct with a nursing facility resident or vulnerable person in the first
147 degree under section 566.115 ~~[if the punishment is greater than a year]~~ **if the offense is a felony;**
- 148 (n) Incest under section 568.020;
- 149 (o) Endangering the welfare of a child in the first degree under section 568.045 with
150 sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
- 151 (p) Child molestation in the first degree under section 566.067;
- 152 (q) Child molestation in the second degree under section 566.068;
- 153 (r) Child molestation in the third degree under section 566.069 if the victim is under
154 thirteen years of age;
- 155 (s) Promoting prostitution in the first degree under section 567.050 if the victim is under
156 eighteen years of age;
- 157 (t) Promoting prostitution in the second degree under section 567.060 if the victim is
158 under eighteen years of age;
- 159 (u) Promoting prostitution in the third degree under section 567.070 if the victim is under
160 eighteen years of age;
- 161 (v) Promoting travel for prostitution under section 567.085 if the victim is under
162 eighteen years of age;
- 163 (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim
164 is under eighteen years of age;
- 165 (x) Sexual trafficking of a child in the first degree under section 566.210;
- 166 (y) Sexual trafficking of a child in the second degree under section 566.211;
- 167 (z) Genital mutilation of a female child under section 568.065;
- 168 (aa) Statutory rape in the second degree under section 566.034;
- 169 (bb) Child molestation in the fourth degree under section 566.071 if the victim is under
170 thirteen years of age;

- 171 (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term~~
 172 ~~of imprisonment of more than a year]~~ **if the offense is a felony;**
- 173 (dd) Patronizing prostitution under section 567.030 if the offender is a persistent
 174 offender;
- 175 (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the
 176 victim is under thirteen years of age;
- 177 (ff) Sexual ~~[contact]~~ **conduct** with a prisoner or offender under section 566.145 if the
 178 victim is under thirteen years of age;
- 179 (gg) Sexual ~~[intercourse]~~ **conduct** with a prisoner or offender under section 566.145;
- 180 (hh) Sexual contact with a student under section 566.086 if the victim is ~~[under thirteen]~~
 181 **eighteen years of age or under;**
- 182 (ii) Use of a child in a sexual performance under section 573.200; ~~[or]~~
- 183 (jj) **Felonious restraint under section 565.120 as it existed prior to January 1, 2017,**
 184 **or kidnapping in the second degree under section 565.120, if either offense is sexual in**
 185 **nature;**
- 186 (kk) **False imprisonment under section 565.130 as it existed prior to January 1,**
 187 **2017, or kidnapping in the third degree under section 565.130, if either offense is sexual in**
 188 **nature or if the victim is a minor and the offense is a felony;**
- 189 **(ll) Sexual assault in the second degree under section 566.050 as it existed prior to**
 190 **August 28, 1994, if the offense is a class C felony; or**
- 191 **(mm) Promoting a sexual performance by a child under section 573.205;**
- 192 (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense
 193 listed in this section or failure to register offense under section 589.425, or other comparable out-
 194 of-state failure to register offense, who has been or is already required to register as a tier II
 195 offender because of having been adjudicated for a tier II offense, two tier I offenses, or
 196 combination of a tier I offense and failure to register offense, on a previous occasion;
- 197 (4) Any offender who is adjudicated in any other state, territory, the District of
 198 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
 199 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
 200 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of
 201 the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
- 202 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
 203 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II
 204 offense in this section.
- 205 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
 206 registrants who work, including as a volunteer or unpaid intern, or attend any school whether

207 public or private, including any secondary school, trade school, professional school, or institution
208 of higher education, on a full-time or part-time basis or have a temporary residence in this state
209 shall be required to report in person to the chief law enforcement officer in the area of the state
210 where they work, including as a volunteer or unpaid intern, or attend any school or training and
211 register in that state. "Part-time" in this subsection means for more than seven days in any
212 twelve-month period.

213 9. If a person who is required to register as a sexual offender under sections 589.400 to
214 589.425 changes or obtains a new online identifier as defined in section 43.651, the person shall
215 report such information in the same manner as a change of residence before using such online
216 identifier.

590.120. 1. There is hereby established within the department of public safety a "Peace
2 Officer Standards and Training Commission" which shall be composed of eleven members,
3 including a voting public member, appointed by the governor, by and with the advice and
4 consent of the senate, from a list of qualified candidates submitted to the governor ~~by the~~
5 ~~director of the department of public safety~~. No more than two members of the POST
6 commission shall reside in the same congressional district as any other at the time of their
7 appointments but this provision shall not apply to the public member. Three members of the
8 POST commission shall be **sitting** police chiefs **chosen from a list of names submitted to the**
9 **governor by the Missouri Police Chiefs Association board of directors**, three members shall
10 be **sitting** sheriffs **chosen from a list of names submitted to the governor by the Missouri**
11 **Sheriffs' Association board of directors**, and the **five remaining positions shall be chosen**
12 **from a list of qualified candidates submitted to the governor by the director of the**
13 **department of public safety**. One member shall represent a state law enforcement agency
14 covered by the provisions of this chapter, ~~two members~~ **one member** shall be a peace officers
15 at or below the rank of sergeant employed by a ~~political subdivision~~ **municipality**, **one**
16 **member shall be a peace officer at or below the rank of sergeant employed by a county**, and
17 one member shall be a chief executive officer of a certified training academy. The public
18 member shall be at the time of appointment a registered voter; a person who is not and never has
19 been a member of any profession certified or regulated under this chapter or the spouse of such
20 person; and a person who does not have and never has had a material financial interest in either
21 the providing of the professional services regulated by this chapter, or an activity or organization
22 directly related to any profession certified or regulated under this chapter. Each member of the
23 POST commission shall have been at the time of his appointment a citizen of the United States
24 and a resident of this state for a period of at least one year, and members who are peace officers
25 shall be qualified as established by this chapter. No member of the POST commission serving

26 a full term of three years may be reappointed to the POST commission until at least one year
27 after the expiration of his most recent term.

28 2. Three of the original members of the POST commission shall be appointed for terms
29 of one year, three of the original members shall be appointed for terms of two years, and three
30 of the original members shall be appointed for terms of three years. Thereafter the terms of the
31 members of the POST commission shall be for three years or until their successors are appointed.
32 The director may remove any member of the POST commission for misconduct or neglect of
33 office. Any member of the POST commission may be removed for cause by the director but
34 such member shall first be presented with a written statement of the reasons thereof, and shall
35 have a hearing before the POST commission if the member so requests. Any vacancy in the
36 membership of the commission shall be filled by appointment for the unexpired term. No two
37 members of the POST commission shall be employees of the same law enforcement agency.

38 3. Annually the ~~[director]~~ **POST commission members** shall appoint one of the
39 members as chairperson **by majority vote of the POST commission members**. The POST
40 commission shall meet at least twice each year as determined by the director or a majority of the
41 members to perform its duties. A majority of the members of the POST commission shall
42 constitute a quorum.

43 4. No member of the POST commission shall receive any compensation for the
44 performance of his official duties.

45 5. The POST commission shall guide and advise the director concerning duties pursuant
46 to this chapter.

**640.142. 1. Within thirty-six months of the effective date of this section, each public
2 water system shall create a plan that establishes policies and procedures for identifying and
3 mitigating cyber risk. The plan shall include risk assessments and implementation of
4 appropriate controls to mitigate identified cyber risks.**

5 **2. Public water systems that do not use an internet-connected control system are
6 exempt from the provisions of this section.**

7 **3. The provisions of this section shall not apply to cities with a population of more
8 than thirty thousand inhabitants, a county with a charter form of government and with
9 more than six hundred thousand but fewer than seven hundred thousand inhabitants, or
10 a county with a charter form of government and with more than nine hundred fifty
11 thousand inhabitants.**

**640.144. 1. All public water systems shall be required to create a valve inspection
2 program that includes:**

3 **(1) Inspection of all isolation and control valves every ten years;**

4 **(2) Scheduled repair or replacement of broken isolation and control valves; and**

5 **(3) Within five years of the effective date of this section, identification of each**
6 **isolation and control valve location using a geographic information system or an**
7 **alternative physical mapping system that accurately identifies the location of each isolation**
8 **and control valve.**

9 **2. All public water systems shall be required to create a hydrant inspection**
10 **program that includes:**

11 **(1) Annual testing of every hydrant in the public water system;**

12 **(2) Scheduled repair or replacement of broken hydrants;**

13 **(3) A plan to flush every hydrant and dead-end main;**

14 **(4) Maintenance of records of inspections, tests, and flushings for six years; and**

15 **(5) Within five years of the effective date of this section, identification of each**
16 **hydrant location using a geographic information system or an alternative physical**
17 **mapping system that accurately identifies the location of each hydrant.**

18 **3. The provisions of this section shall not apply to cities with a population of more**
19 **than thirty thousand inhabitants, a county with a charter form of government and with**
20 **more than six hundred thousand but fewer than seven hundred thousand inhabitants, or**
21 **a county with a charter form of government and with more than nine hundred fifty**
22 **thousand inhabitants.**

640.145. 1. Public water systems shall submit a report upon request of the
2 **department of natural resources that shall certify compliance with all regulations**
3 **regarding:**

4 **(1) Water quality sampling, testing, and reporting;**

5 **(2) Hydrant and valve inspections under section 640.144; and**

6 **(3) Cyber security plans and policies, if required under section 640.142.**

7 **2. The provisions of this section shall not apply to cities with a population of more**
8 **than thirty thousand inhabitants, a county with a charter form of government and with**
9 **more than six hundred thousand but fewer than seven hundred thousand inhabitants, or**
10 **a county with a charter form of government and with more than nine hundred fifty**
11 **thousand inhabitants.**

 Section B. Because of the urgent need to protect the safety of the citizens of this state,
2 the repeal and reenactment of section 43.540 of this act and the enactment of sections 43.539
3 and 43.548 of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace and safety, and the repeal and reenactment of section 43.540 of this act, and the
5 enactment of sections 43.539 and 43.548 of this act is hereby declared to be an emergency act
6 within the meaning of the constitution, and the repeal and reenactment of section 43.540 of this

7 act and the enactment of sections 43.539 and 43.548 of this act shall be in full force and effect
8 upon its passage and approval.

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