

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 250
102ND GENERAL ASSEMBLY

1081H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof three new sections relating to controlled substances, with penalty provisions.

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

Section A. Sections 579.065 and 579.068, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 579.065, 579.068, and 579.088, to read as
3 follows:

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,
3 delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce:
4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

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

12 (3) More than eight grams of a mixture or substance described in subdivision (2) of
13 this subsection which contains cocaine base;

14 (4) More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams of a mixture or substance containing a detectable amount
17 of phencyclidine (PCP);

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.

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

55 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
56 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
57 and its salts; or methylphenidate; or

58 (9) More than thirty grams of any material, compound, mixture, or preparation
59 containing any quantity of the following substances having a stimulant effect on the central
60 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
61 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
62 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
63 of real property comprising a public or private elementary, vocational, or secondary school,
64 college, community college, university, or any school bus, in or on the real property
65 comprising public housing or any other governmental assisted housing, or within a motor
66 vehicle, or in any structure or building which contains rooms furnished for the
67 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
68 the public as a place where sleeping accommodations are sought for pay or compensation to
69 transient guests or permanent guests; or

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

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

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

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

83 or

84 (14) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any
85 derivative thereof, or any combination thereof, or any compound, mixture, or substance
86 containing a detectable amount of fentanyl or carfentanil, or their optical isomers or
87 analogues.

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

4 (1) More than thirty grams of a mixture or substance containing a detectable amount
5 of heroin;

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

12 (3) More than eight grams of a mixture or substance described in subdivision (2) of
13 this subsection which contains cocaine base;

14 (4) More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 (5) More than thirty grams of a mixture or substance containing a detectable amount
17 of phencyclidine (PCP);

18 (6) More than four grams of phencyclidine;

19 (7) More than thirty kilograms of a mixture or substance containing marijuana;

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

25 (9) More than thirty grams of any material, compound, mixture, or preparation which
26 contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 (10) More than ~~ten~~ **three but less than fourteen** milligrams of fentanyl or
28 carfentanil, or any derivative thereof, or any combination thereof, or any compound, mixture,
29 or substance containing a detectable amount of fentanyl or carfentanil, or their optical isomers
30 or analogues.

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

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

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

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

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

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

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

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

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

49 (7) One hundred kilograms or more of a mixture or substance containing marijuana;
50 or

51 (8) More than five hundred marijuana plants; or

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

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

60 (11) ~~Twenty~~ **Fourteen** milligrams or more of fentanyl or carfentanil, or any
61 derivative thereof, or any combination thereof, or any compound, mixture, or substance
62 containing a detectable amount of fentanyl or carfentanil, or their optical isomers or
63 analogues.

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

67 (1) Any quantity of the following substances having a stimulant effect on the central
68 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
69 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
70 methylphenidate; or

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

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

**579.088. Notwithstanding any other provision of this chapter or chapter 195 to
2 the contrary, it shall not be unlawful to manufacture, possess, sell, deliver, or use any**

3 **device, equipment, or other material for the purpose of analyzing controlled substances**
4 **to detect the presence of fentanyl or any synthetic controlled substance fentanyl**
5 **analogue.**

✓