

FIRST REGULAR SESSION  
[PERFECTED]  
**HOUSE BILL NO. 49**  
**103RD GENERAL ASSEMBLY**

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INTRODUCED BY REPRESENTATIVE HALEY.

0878H.01P

JOSEPH ENGLER, Chief Clerk

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**AN ACT**

To repeal sections 579.065 and 579.068, RSMo, and to enact in lieu thereof two new sections relating to offenses involving the trafficking of drugs, with penalty provisions.

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*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Section A. Sections 579.065 and 579.068, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 579.065 and 579.068, to read as 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 five hundred milligrams of a mixture or substance containing a  
13 detectable amount of lysergic acid diethylamide (LSD);

14 (4) More than thirty grams of a mixture or substance containing a detectable amount  
15 of phencyclidine (PCP);

16 (5) More than four grams of phencyclidine;

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.

17 (6) More than thirty kilograms of a mixture or substance containing marijuana;

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

23 (8) More than thirty grams of any material, compound, mixture, or preparation which  
24 contains any quantity of 3,4-methylenedioxymethamphetamine;

25 (9) One gram or more of flunitrazepam for the first offense;

26 (10) Any amount of gamma-hydroxybutyric acid for the first offense; ~~[or]~~

27 (11) 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,  
29 mixture, or substance containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its**  
30 optical isomers or analogues; **or**

31 **(12) Any amount of carfentanil.**

32 2. The offense of trafficking drugs in the first degree is a class B felony.

33 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity  
34 involved is:

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

37 (2) Four hundred fifty grams or more of a mixture or substance containing a  
38 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which  
39 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts  
40 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their  
41 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains  
42 any quantity of any of the foregoing substances; or

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

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

47 (5) Twelve grams or more of phencyclidine; or

48 (6) One hundred kilograms or more of a mixture or substance containing marijuana;  
49 or

50 (7) Ninety grams or more of any material, compound, mixture, or preparation  
51 containing any quantity of the following substances having a stimulant effect on the central  
52 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

53 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine  
54 and its salts; or methylphenidate; or

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

67 (9) Ninety grams or more of any material, compound, mixture or preparation which  
68 contains any quantity of 3,4-methylenedioxymethamphetamine; or

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

78 (11) One gram or more of flunitrazepam for a second or subsequent offense; or

79 (12) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense;  
80 or

81 (13) ~~[Twenty]~~ **Fourteen** milligrams or more of fentanyl ~~[or carfentanyl]~~, or any  
82 derivative thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance  
83 containing a detectable amount of fentanyl ~~[or carfentanyl]~~, or ~~[their]~~ **its** optical isomers or  
84 analogues; or

85 **(14) More than five hundredths of a milligram of carfentanil.**

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 five hundred milligrams of a mixture or substance containing a  
13 detectable amount of lysergic acid diethylamide (LSD);

14 (4) More than thirty grams of a mixture or substance containing a detectable amount  
15 of phencyclidine (PCP);

16 (5) More than four grams of phencyclidine;

17 (6) More than thirty kilograms of a mixture or substance containing marijuana;

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

23 (8) More than thirty grams of any material, compound, mixture, or preparation which  
24 contains any quantity of 3,4-methylenedioxymethamphetamine; ~~[or]~~

25 (9) More than ~~[ten]~~ **three but less than fourteen** milligrams of fentanyl ~~[or~~  
26 ~~carfentanil]~~, or any derivative thereof, ~~[or any combination thereof,]~~ or any compound,  
27 mixture, or substance containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its**  
28 optical isomers or analogues; **or**

29 **(10) Any amount of carfentanil.**

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

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

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

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

41 (3) One gram or more of a mixture or substance containing a detectable amount of  
42 lysergic acid diethylamide (LSD); or

43 (4) Ninety grams or more of a mixture or substance containing a detectable amount of  
44 phencyclidine (PCP); or

45 (5) Twelve grams or more of phencyclidine; or

46 (6) One hundred kilograms or more of a mixture or substance containing marijuana;  
47 or

48 (7) More than five hundred marijuana plants; or

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

54 (9) Ninety grams or more but less than four hundred fifty grams of any material,  
55 compound, mixture, or preparation which contains any quantity of 3,4-  
56 methylenedioxymethamphetamine; or

57 (10) ~~[Twenty]~~ **Fourteen** milligrams or more of fentanyl ~~[or carfentanil]~~, or any  
58 derivative thereof, ~~[or any combination thereof,]~~ or any compound, mixture, or substance  
59 containing a detectable amount of fentanyl ~~[or carfentanil]~~, or ~~[their]~~ **its** optical isomers or  
60 analogues; or

61 **(11) More than five hundredths of a milligram of carfentanil.**

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

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

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

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

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