

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2034
99TH GENERAL ASSEMBLY

5739S.09T

2018

AN ACT

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

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

Section A. Sections 195.010, 195.017, and 196.070, RSMo, are repealed and sixteen new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

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

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

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

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

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

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.

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

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

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

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

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

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

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

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

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

42 (10) "Depressant or stimulant substance":

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

46 (b) A drug containing any quantity of:

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

83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of this
86 chapter or chapter 579. It includes, but is not limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

- 119 b. Water pipes;
120 c. Carburetion tubes and devices;
121 d. Smoking and carburetion masks;
122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
123 cigarette, that has become too small or too short to be held in the hand;
124 f. Miniature cocaine spoons and cocaine vials;
125 g. Chamber pipes;
126 h. Carburetor pipes;
127 i. Electric pipes;
128 j. Air-driven pipes;
129 k. Chillums;
130 l. Bonges;
131 m. Ice pipes or chillers;
132 (m) Substances used, intended for use, or designed for use in the manufacture of a
133 controlled substance;
134
- 135 In determining whether an object, product, substance or material is drug paraphernalia, a court
136 or other authority should consider, in addition to all other logically relevant factors, the
137 following:
- 138 a. Statements by an owner or by anyone in control of the object concerning its use;
139 b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any
140 state or federal law relating to any controlled substance or imitation controlled substance;
141 c. The proximity of the object, in time and space, to a direct violation of this chapter or
142 chapter 579;
143 d. The proximity of the object to controlled substances or imitation controlled
144 substances;
145 e. The existence of any residue of controlled substances or imitation controlled
146 substances on the object;
147 f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of
148 the object, to deliver it to persons who he or she knows, or should reasonably know, intend to
149 use the object to facilitate a violation of this chapter or chapter 579; the innocence of an owner,
150 or of anyone in control of the object, as to direct violation of this chapter or chapter 579 shall not
151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
152 g. Instructions, oral or written, provided with the object concerning its use;
153 h. Descriptive materials accompanying the object which explain or depict its use;
154 i. National or local advertising concerning its use;

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

191 substance. In determining whether the substance is an imitation controlled substance the court
192 or authority concerned should consider, in addition to all other logically relevant factors, the
193 following:

194 (a) Whether the substance was approved by the federal Food and Drug Administration
195 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
196 Drug Administration approved package, with the federal Food and Drug Administration
197 approved labeling information;

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

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

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

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

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

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

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

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

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

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

225 ~~[(23)]~~ **(25) "Manufacture", the production, preparation, propagation, compounding or**
226 **processing of drug paraphernalia or of a controlled substance, or an imitation controlled**

227 substance, either directly or by extraction from substances of natural origin, or independently by
228 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
229 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
230 This term does not include the preparation or compounding of a controlled substance or an
231 imitation controlled substance or the preparation, compounding, packaging or labeling of a
232 narcotic or dangerous drug:

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

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

238 [(24)] (26) "Marijuana", all parts of the plant genus *Cannabis* in any species or form
239 thereof, including, but not limited to *Cannabis Sativa* L., **except industrial hemp**, *Cannabis*
240 *Indica*, *Cannabis Americana*, *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or
241 not, the seeds thereof, the resin extracted from any part of the plant; and every compound,
242 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not
243 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the
244 seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of
245 the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed
246 of the plant which is incapable of germination;

247 [(25)] (27) "Methamphetamine precursor drug", any drug containing ephedrine,
248 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical
249 isomers;

250 [(26)] (28) "Narcotic drug", any of the following, whether produced directly or indirectly
251 by extraction from substances of vegetable origin, or independently by means of chemical
252 synthesis, or by a combination of extraction and chemical analysis:

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

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

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

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

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

263 [~~27~~] **(29)** "Official written order", an order written on a form provided for that purpose
264 by the United States Commissioner of Narcotics, under any laws of the United States making
265 provision therefor, if such order forms are authorized and required by federal law, and if no such
266 order form is provided, then on an official form provided for that purpose by the department of
267 health and senior services;

268 [~~28~~] **(30)** "Opiate", any substance having an addiction-forming or addiction-sustaining
269 liability similar to morphine or being capable of conversion into a drug having addiction-forming
270 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
271 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
272 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

273 [~~29~~] **(31)** "Opium poppy", the plant of the species *Papaver somniferum* L., except its
274 seeds;

275 [~~30~~] **(32)** "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a
276 drug other than a controlled substance;

277 [~~31~~] **(33)** "Person", an individual, corporation, government or governmental
278 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
279 other legal or commercial entity;

280 [~~32~~] **(34)** "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
281 where the context so requires, the owner of a store or other place of business where controlled
282 substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter
283 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist
284 any authority, right or privilege that is not granted to him by the pharmacy laws of this state;

285 [~~33~~] **(35)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

286 [~~34~~] **(36)** "Possessed" or "possessing a controlled substance", a person, with the
287 knowledge of the presence and nature of a substance, has actual or constructive possession of
288 the substance. A person has actual possession if he has the substance on his or her person or
289 within easy reach and convenient control. A person who, although not in actual possession, has
290 the power and the intention at a given time to exercise dominion or control over the substance
291 either directly or through another person or persons is in constructive possession of it.
292 Possession may also be sole or joint. If one person alone has possession of a substance
293 possession is sole. If two or more persons share possession of a substance, possession is joint;

294 [~~35~~] **(37)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
295 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
296 permitted by this state to distribute, dispense, conduct research with respect to or administer or
297 to use in teaching or chemical analysis, a controlled substance in the course of professional
298 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,

299 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
300 controlled substance in the course of professional practice or research;

301 ~~[(36)]~~ **(38)** "Production", includes the manufacture, planting, cultivation, growing, or
302 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
303 substance;

304 ~~[(37)]~~ **(39)** "Registry number", the number assigned to each person registered under the
305 federal controlled substances laws;

306 ~~[(38)]~~ **(40)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such
307 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

308 ~~[(39)]~~ **(41)** "State" when applied to a part of the United States, includes any state, district,
309 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
310 of the United States of America;

311 ~~[(40)]~~ **(42)** "Synthetic cannabinoid", includes unless specifically excepted or unless listed
312 in another schedule, any natural or synthetic material, compound, mixture, or preparation that
313 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not
314 limited to any substance listed in paragraph (ll) of subdivision (4) of subsection 2 of section
315 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric;
316 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the
317 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it
318 shall not include any approved pharmaceutical authorized by the United States Food and Drug
319 Administration;

320 ~~[(41)]~~ **(43)** "Ultimate user", a person who lawfully possesses a controlled substance or
321 an imitation controlled substance for his or her own use or for the use of a member of his or her
322 household or immediate family, regardless of whether they live in the same household, or for
323 administering to an animal owned by him or by a member of his or her household. For purposes
324 of this section, the phrase "immediate family" means a husband, wife, parent, child, sibling,
325 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

326 ~~[(42)]~~ **(44)** "Wholesaler", a person who supplies drug paraphernalia or controlled
327 substances or imitation controlled substances that he himself has not produced or prepared, on
328 official written orders, but not on prescriptions.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

- 11 (a) Acetyl-alpha-methylfentanyl;
- 12 (b) Acetylmethadol;
- 13 (c) Allylprodine;
- 14 (d) Alphacetylmethadol;
- 15 (e) Alphameprodine;
- 16 (f) Alphamethadol;
- 17 (g) Alpha-methylfentanyl;
- 18 (h) Alpha-methylthiofentanyl;
- 19 (i) Benzethidine;
- 20 (j) Betacetylmethadol;
- 21 (k) Beta-hydroxyfentanyl;
- 22 (l) Beta-hydroxy-3-methylfentanyl;
- 23 (m) Betameprodine;
- 24 (n) Betamethadol;
- 25 (o) Betaprodine;
- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxidine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;

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

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

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine (except hydrochloride salt);

- 79 (k) Heroin;
- 80 (l) Hydromorphinol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Myrophine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of the
- 93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 95 the specific chemical designation:
- 96 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 104 (i) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;
- 109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of
- 110 isomers;
- 111 (o) Alpha-ethyltryptamine;
- 112 (p) Alpha-methyltryptamine;
- 113 (q) Bufotenine;
- 114 (r) Diethyltryptamine;

- 115 (s) Dimethyltryptamine;
- 116 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 117 (u) Ibogaine;
- 118 (v) Lysergic acid diethylamide;
- 119 (w) Marijuana or marihuana, **except industrial hemp**;
- 120 (x) Mescaline;
- 121 (y) Parahexyl;
- 122 (z) Peyote, to include all parts of the plant presently classified botanically as Lophophora
- 123 Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
- 124 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
- 125 its seed or extracts;
- 126 (aa) N-ethyl-3-piperidyl benzilate;
- 127 (bb) N-methyl-3-piperidyl benzilate;
- 128 (cc) Psilocybin;
- 129 (dd) Psilocyn;
- 130 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus Cannabis
- 131 (cannabis plant), **except industrial hemp**, as well as synthetic equivalents of the substances
- 132 contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic
- 133 substances, derivatives, and their isomers with similar chemical structure and pharmacological
- 134 activity to those substances contained in the plant, such as the following:
- 135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 138 d. Any compounds of these structures, regardless of numerical designation of atomic
- 139 positions covered;
- 140 (ff) Ethylamine analog of phencyclidine;
- 141 (gg) Pyrrolidine analog of phencyclidine;
- 142 (hh) Thiophene analog of phencyclidine;
- 143 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 144 (jj) Salvia divinorum;
- 145 (kk) Salvinorin A;
- 146 (ll) Synthetic cannabinoids:
- 147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by
- 149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl
- 150 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any

151 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited
152 to:

- 153 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 154 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 155 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 156 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 157 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 158 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 159 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
- 160 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 161 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 162 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 163 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 164 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

165 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the
166 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
167 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
168 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any
169 extent;

170 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution
171 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
172 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or
173 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl
174 ring to any extent;

175 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the
176 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
177 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
178 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any
179 extent. Including, but not limited to:

- 180 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 181 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 182 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 183 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 184 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

185 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
186 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

187 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or
188 not substituted in the cyclohexyl ring to any extent. Including, but not limited to:

189 (i) C P 4 7 , 4 9 7 & h o m o l o g u e s , o r
190 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and
191 homologues where side chain n=4,6, or 7;

192 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the
193 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
194 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
195 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to
196 any extent. Including, but not limited to:

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

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

199 g . C P 5 0 , 5 5 6 - 1 , o r
200 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]
201 oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

202 h . H U - 2 1 0 , o r
203 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10
204 a-tetrahydrobenzo[c]chromen-1-ol;

205 i . H U - 2 1 1 , o r
206 Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl
207)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

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

210 k. Dimethylheptylpyran, or DMHP;

211 (5) Any material, compound, mixture or preparation containing any quantity of the
212 following substances having a depressant effect on the central nervous system, including their
213 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
214 isomers is possible within the specific chemical designation:

215 (a) Gamma-hydroxybutyric acid;

216 (b) Mecloqualone;

217 (c) Methaqualone;

218 (6) Any material, compound, mixture or preparation containing any quantity of the
219 following substances having a stimulant effect on the central nervous system, including their
220 salts, isomers and salts of isomers:

221 (a) Aminorex;

222 (b) N-benzylpiperazine;

- 223 (c) Cathinone;
- 224 (d) Fenethylamine;
- 225 (e) 3-Fluoromethcathinone;
- 226 (f) 4-Fluoromethcathinone;
- 227 (g) Mephedrone, or 4-methylmethcathinone;
- 228 (h) Methcathinone;
- 229 (i) 4-methoxymethcathinone;
- 230 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 231 (k) Methylenedioxypropylone, MDPV, or
- 232 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone);
- 233 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
- 234 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
- 235 (n) N-ethylamphetamine;
- 236 (o) N,N-dimethylamphetamine;
- 237 (7) A temporary listing of substances subject to emergency scheduling under federal law
- 238 shall include any material, compound, mixture or preparation which contains any quantity of the
- 239 following substances:
- 240 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers,
- 241 salts and salts of isomers;
- 242 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thylfentanyl), its
- 243 optical isomers, salts and salts of isomers;
- 244 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
- 245 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
- 246 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 247 3. The department of health and senior services shall place a substance in Schedule II
- 248 if it finds that:
- 249 (1) The substance has high potential for abuse;
- 250 (2) The substance has currently accepted medical use in treatment in the United States,
- 251 or currently accepted medical use with severe restrictions; and
- 252 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 253 4. The controlled substances listed in this subsection are included in Schedule II:
- 254 (1) Any of the following substances whether produced directly or indirectly by extraction
- 255 from substances of vegetable origin, or independently by means of chemical synthesis, or by
- 256 combination of extraction and chemical synthesis:

- 257 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
258 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine,
259 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:
- 260 a. Raw opium;
 - 261 b. Opium extracts;
 - 262 c. Opium fluid;
 - 263 d. Powdered opium;
 - 264 e. Granulated opium;
 - 265 f. Tincture of opium;
 - 266 g. Codeine;
 - 267 h. Ethylmorphine;
 - 268 i. Etorphine hydrochloride;
 - 269 j. Hydrocodone;
 - 270 k. Hydromorphone;
 - 271 l. Metopon;
 - 272 m. Morphine;
 - 273 n. Oxycodone;
 - 274 o. Oxymorphone;
 - 275 p. Thebaine;
- 276 (b) Any salt, compound, derivative, or preparation thereof which is chemically
277 equivalent or identical with any of the substances referred to in this subdivision, but not
278 including the isoquinoline alkaloids of opium;
- 279 (c) Opium poppy and poppy straw;
- 280 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
281 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
282 with any of these substances, but not including decocainized coca leaves or extractions which
283 do not contain cocaine or ecgonine;
- 284 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
285 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 286 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
287 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
288 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 289 (a) Alfentanil;
 - 290 (b) Alphaprodine;
 - 291 (c) Anileridine;
 - 292 (d) Bezitramide;

- 293 (e) Bulk dextropropoxyphene;
294 (f) Carfentanil;
295 (g) Dihydrocodeine;
296 (h) Diphenoxylate;
297 (i) Fentanyl;
298 (j) Isomethadone;
299 (k) Levo-alphaacetylmethadol;
300 (l) Levomethorphan;
301 (m) Levorphanol;
302 (n) Metazocine;
303 (o) Methadone;
304 (p) Meperidine;
305 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
306 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
307 acid;
308 (s) Pethidine (meperidine);
309 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
310 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
311 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
312 (w) Phenazocine;
313 (x) Piminodine;
314 (y) Racemethorphan;
315 (z) Racemorphan;
316 (aa) Remifentanil;
317 (bb) Sufentanil;
318 (cc) Tapentadol;
319 (3) Any material, compound, mixture, or preparation which contains any quantity of the
320 following substances having a stimulant effect on the central nervous system:
321 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
322 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
323 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
324 (d) Phenmetrazine and its salts;
325 (e) Methylphenidate;
326 (4) Any material, compound, mixture, or preparation which contains any quantity of the
327 following substances having a depressant effect on the central nervous system, including its salts,

328 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
329 is possible within the specific chemical designation:

- 330 (a) Amobarbital;
- 331 (b) Glutethimide;
- 332 (c) Pentobarbital;
- 333 (d) Phencyclidine;
- 334 (e) Secobarbital;
- 335 (5) Any material or compound which contains any quantity of nabilone;
- 336 (6) Any material, compound, mixture, or preparation which contains any quantity of the
337 following substances:

- 338 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 339 (b) Immediate precursors to phencyclidine (PCP):
 - 340 a. 1-phenylcyclohexylamine;
 - 341 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 342 (7) Any material, compound, mixture, or preparation which contains any quantity of the

343 following alkyl nitrites:

- 344 (a) Amyl nitrite;
- 345 (b) Butyl nitrite.

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

- 348 (1) The substance has a potential for abuse less than the substances listed in Schedules
349 I and II;
- 350 (2) The substance has currently accepted medical use in treatment in the United States;
351 and
- 352 (3) Abuse of the substance may lead to moderate or low physical dependence or high
353 psychological dependence.

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

355 (1) Any material, compound, mixture, or preparation which contains any quantity of the
356 following substances having a potential for abuse associated with a stimulant effect on the
357 central nervous system:

- 358 (a) Benzphetamine;
- 359 (b) Chlorphentermine;
- 360 (c) Clortermine;
- 361 (d) Phendimetrazine;

362 (2) Any material, compound, mixture or preparation which contains any quantity or salt
363 of the following substances or salts having a depressant effect on the central nervous system:

- 364 (a) Any material, compound, mixture or preparation which contains any quantity or salt
365 of the following substances combined with one or more active medicinal ingredients:
- 366 a. Amobarbital;
 - 367 b. Secobarbital;
 - 368 c. Pentobarbital;
- 369 (b) Any suppository dosage form containing any quantity or salt of the following:
- 370 a. Amobarbital;
 - 371 b. Secobarbital;
 - 372 c. Pentobarbital;
- 373 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
374 salt;
- 375 (d) Chlorhexadol;
 - 376 (e) Embutramide;
 - 377 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
378 a drug product for which an application has been approved under Section 505 of the federal
379 Food, Drug, and Cosmetic Act;
 - 380 (g) Ketamine, its salts, isomers, and salts of isomers;
 - 381 (h) Lysergic acid;
 - 382 (i) Lysergic acid amide;
 - 383 (j) Methyprylon;
 - 384 (k) Sulfondiethylmethane;
 - 385 (l) Sulfonethylmethane;
 - 386 (m) Sulfonmethane;
 - 387 (n) Tiletamine and zolazepam or any salt thereof;
 - 388 (3) Nalorphine;
- 389 (4) Any material, compound, mixture, or preparation containing limited quantities of any
390 of the following narcotic drugs or their salts:
- 391 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
392 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
393 of opium;
 - 394 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
395 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
396 therapeutic amounts;
 - 397 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
398 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
399 isoquinoline alkaloid of opium;

400 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
401 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
402 ingredients in recognized therapeutic amounts;

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

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

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

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

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

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

- 427 (a) 3 β ,17-dihydroxy-5 α -androstane;
428 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
429 (c) 5 α -androstan-3,17-dione;
430 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
431 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
432 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
433 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
434 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
435 (i) 4-androstenedione (androst-4-en-3,17-dione);

- 436 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 437 (k) Bolasterone (7a, 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 438 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 439 (m) Boldione;
- 440 (n) Calusterone (7 β , 17a-dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 441 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 442 (p) D e h y d r o c h l o r o m e t h y l t e s t o s t e r o n e
- 443 (4-chloro-17 β -hydroxy-17a-methyl-androst-1,4-dien-3-one);
- 444 (q) Desoxymethyltestosterone;
- 445 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5a-androst-1-en-3-one);
- 446 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 447 (t) Drostanolone (17 β -hydroxy-2a-methyl-5a-androstan-3-one);
- 448 (u) Ethylestrenol (17a-ethyl-17 β -hydroxyestr-4-ene);
- 449 (v) Fluoxymesterone (9-fluoro-17a-methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 450 (w) Formebolone (2-formyl-17a-methyl-11a,17 β -dihydroxyandrost-1,4-dien-3-one);
- 451 (x) Furazabol (17a-methyl-17 β -hydroxyandrostano[2,3-c]-fuzazan);
- 452 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 453 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 454 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 455 (bb) Mestanolone (17a-methyl-17 β -hydroxy-5-androstan-3-one);
- 456 (cc) Mesterolone (1a-methyl-17 β -hydroxy-[5a]-androstan-3-one);
- 457 (dd) Methandienone (17a-methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 458 (ee) Methandriol (17a-methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 459 (ff) Methenolone (1-methyl-17 β -hydroxy-5a-androst-1-en-3-one);
- 460 (gg) 17a-methyl-3 β ,17 β -dihydroxy-5a-androstane);
- 461 (hh) 17a-methyl-3a,17 β -dihydroxy-5a-androstane);
- 462 (ii) 17a-methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 463 (j j) 1 7 a - m e t h y l - 4 - h y d r o x y n a n d r o l o n e
- 464 (17a-methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- 465 (kk) Methyldienolone (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 466 (ll) Methyltrienolone (17a-methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 467 (mm) Methyltestosterone (17a-methyl-17 β -hydroxyandrost-4-en-3-one);
- 468 (nn) Mibolerone (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
- 469 (o o) 1 7 a - m e t h y l - Δ 1 - d i h y d r o t e s t o s t e r o n e
- 470 (17 β -hydroxy-17a-methyl-5a-androst-1-en-3-one) (a.k.a. '17-a-methyl-1-testosterone');
- 471 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);

- 472 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
 473 (rr) 19-nor-4-androstenediol (3a,17 β -dihydroxyestr-4-ene);
 474 (ss) 19-nor-4,9(10)-androstadienedione;
 475 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
 476 (uu) 19-nor-5-androstenediol (3a,17 β -dihydroxyestr-5-ene);
 477 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 478 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 479 (xx) Norbolethone (13 β ,17a-diethyl-17 β -hydroxygon-4-en-3-one);
 480 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
 481 (zz) Norethandrolone (17a-ethyl-17 β -hydroxyestr-4-en-3-one);
 482 (aaa) Normethandrolone (17a-methyl-17 β -hydroxyestr-4-en-3-one);
 483 (bbb) Oxandrolone (17a-methyl-17 β -hydroxy-2-oxa-[5a]-androstan-3-one);
 484 (ccc) Oxymesterone (17a-methyl-4,17 β -dihydroxyandrost-4-en-3-one);
 485 (d d d) O x y m e t h a l o n e
 486 (17a-methyl-2-hydroxymethylene-17 β -hydroxy-[5a]-androstan-3-one);
 487 (eee) Stanozolol (17a-methyl-17 β -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);
 488 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5a]-androst-1-en-3-one);
 489 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
 490 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
 491 (iii) Tetrahydrogestrinone (13 β ,17a-diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
 492 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
 493 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
 494 subdivision, except an anabolic steroid which is expressly intended for administration through
 495 implants to cattle or other nonhuman species and which has been approved by the Secretary of
 496 Health and Human Services for that administration;
 497 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
 498 United States Food and Drug Administration approved drug product;
 499 (8) The department of health and senior services may except by rule any compound,
 500 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
 501 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
 502 195.320 if the compound, mixture, or preparation contains one or more active medicinal
 503 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
 504 admixtures are included therein in combinations, quantity, proportion, or concentration that
 505 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
 506 the central nervous system.

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

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

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

511 and

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

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

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

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

520 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
521 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

528 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
529 or per one hundred grams;

530 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
531 or per one hundred grams;

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

535 (a) Alprazolam;

536 (b) Barbitol;

537 (c) Bromazepam;

538 (d) Camazepam;

539 (e) Chloral betaine;

540 (f) Chloral hydrate;

541 (g) Chlordiazepoxide;

542 (h) Clobazam;

- 543 (i) Clonazepam;
- 544 (j) Clorazepate;
- 545 (k) Clotiazepam;
- 546 (l) Cloxazolam;
- 547 (m) Delorazepam;
- 548 (n) Diazepam;
- 549 (o) Dichloralphenazone;
- 550 (p) Estazolam;
- 551 (q) Ethchlorvynol;
- 552 (r) Ethinamate;
- 553 (s) Ethyl loflazepate;
- 554 (t) Fludiazepam;
- 555 (u) Flunitrazepam;
- 556 (v) Flurazepam;
- 557 (w) Fospropofol;
- 558 (x) Halazepam;
- 559 (y) Haloxazolam;
- 560 (z) Ketazolam;
- 561 (aa) Loprazolam;
- 562 (bb) Lorazepam;
- 563 (cc) Lormetazepam;
- 564 (dd) Mebutamate;
- 565 (ee) Medazepam;
- 566 (ff) Meprobamate;
- 567 (gg) Methohexital;
- 568 (hh) Methylphenobarbital (mephobarbital);
- 569 (ii) Midazolam;
- 570 (jj) Nimetazepam;
- 571 (kk) Nitrazepam;
- 572 (ll) Nordiazepam;
- 573 (mm) Oxazepam;
- 574 (nn) Oxazolam;
- 575 (oo) Paraldehyde;
- 576 (pp) Petrichloral;
- 577 (qq) Phenobarbital;
- 578 (rr) Pinazepam;

- 579 (ss) Prazepam;
- 580 (tt) Quazepam;
- 581 (uu) Temazepam;
- 582 (vv) Tetrazepam;
- 583 (ww) Triazolam;
- 584 (xx) Zaleplon;
- 585 (yy) Zolpidem;
- 586 (zz) Zopiclone;
- 587 (3) Any material, compound, mixture, or preparation which contains any quantity of the
- 588 following substance including its salts, isomers and salts of isomers whenever the existence of
- 589 such salts, isomers and salts of isomers is possible: fenfluramine;
- 590 (4) Any material, compound, mixture or preparation containing any quantity of the
- 591 following substances having a stimulant effect on the central nervous system, including their
- 592 salts, isomers and salts of isomers:
- 593 (a) Cathine ((+)-norpseudoephedrine);
- 594 (b) Diethylpropion;
- 595 (c) Fencamfamin;
- 596 (d) Fenproporex;
- 597 (e) Mazindol;
- 598 (f) Mefenorex;
- 599 (g) Modafinil;
- 600 (h) Pemoline, including organometallic complexes and chelates thereof;
- 601 (i) Phentermine;
- 602 (j) Pipradrol;
- 603 (k) Sibutramine;
- 604 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
- 605 (5) Any material, compound, mixture or preparation containing any quantity of the
- 606 following substance, including its salts:
- 607 (a) butorphanol;
- 608 (b) pentazocine;
- 609 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
- 610 is the only active medicinal ingredient;
- 611 (7) The department of health and senior services may except by rule any compound,
- 612 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
- 613 subsection from the application of all or any part of sections 195.010 to 195.320 and sections
- 614 579.015 to 579.086 if the compound, mixture, or preparation contains one or more active

615 medicinal ingredients not having a depressant effect on the central nervous system, and if the
616 admixtures are included therein in combinations, quantity, proportion, or concentration that
617 vitiate the potential for abuse of the substances which have a depressant effect on the central
618 nervous system.

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

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

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

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

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

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

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

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

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

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

642 (3) Any compound, mixture, or preparation containing any detectable quantity of
643 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,
644 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical
645 isomers, or salts of optical isomers;

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

649 (a) Lacosamide;

650 (b) Pregabalin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

692 18. The manufacturer of a drug product or another interested party may apply with the
693 department of health and senior services for an exemption from this section. The department of
694 health and senior services may grant an exemption by rule from this section if the department
695 finds the drug product is not used in the illegal manufacture of methamphetamine or other
696 controlled or dangerous substances. The department of health and senior services shall rely on
697 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
698 proposed product can be used to manufacture illicit controlled substances.

699 19. The department of health and senior services shall revise and republish the schedules
700 annually.

701 20. The department of health and senior services shall promulgate rules under chapter
702 536 regarding the security and storage of Schedule V controlled substances, as described in
703 subdivision (3) of subsection 10 of this section, for distributors as registered by the department
704 of health and senior services.

705 21. Logs of transactions required to be kept and maintained by this section and section
706 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is
707 the person whose transactions are recorded in the logs.

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

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

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

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

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

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

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

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

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

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

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

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

9 2. An application for an industrial hemp registration or agricultural hemp seed
10 production permit shall include:

11 (1) The name and address of the applicant;

12 (2) The name and address of the industrial hemp or agricultural hemp seed
13 operation;

14 (3) The global positioning system coordinates and legal description for the property
15 used for the industrial hemp or agricultural hemp seed operation;

16 (4) The application fee, as determined by the department, in an amount sufficient
17 to cover the administration, regulation, and enforcement costs associated with sections
18 195.740 to 195.773; and

19 (5) Any other information the department deems necessary.

20 3. The department shall issue a registration or permit under this section to an
21 applicant who meets the requirements of this section and section 195.749, who satisfactorily
22 completes a state and federal fingerprint criminal history background check under section
23 43.543, who signs an acknowledgment that industrial hemp is an experimental crop, and

24 who signs a waiver that holds the department harmless in the event a lawsuit occurs or if
25 the growth, cultivation, processing, feeding, or marketing of industrial hemp or seed is
26 later declared illegal under federal law. The department may charge an applicant an
27 additional fee for the cost of the fingerprint criminal history background check in addition
28 to the registration or permit fee.

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

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

32 (1) Nontransferable, except such registration or permit may be transferred to a
33 spouse or child who otherwise meets the requirements of a registrant or permittee, and the
34 spouse or child may operate under the existing registration or permit until the registration
35 or permit expires, at which time the renewal shall reflect the change of the registrant or
36 permittee;

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

38 (3) Renewable as determined by the department.

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

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

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

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

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

10 2. A registration or permit shall not be issued to a person who in the five years
11 immediately preceding the application date has been found guilty of, or pled guilty to, a
12 felony offense under any state or federal law regarding the possession, distribution,
13 manufacturing, cultivation, or use of a controlled substance.

14 3. The department may revoke, refuse to issue, or refuse to renew an industrial
15 hemp registration or an agricultural hemp seed production permit for failing to comply
16 with any provision of this chapter, or for a violation of any department rule relating to
17 agricultural operations or activities other than industrial hemp growing or handling.

18 4. The department shall refuse to issue an industrial hemp registration or
19 agricultural hemp seed permit to any applicant if approving such registration or permit
20 would authorize the growth or cultivation of industrial hemp or agricultural hemp seed on
21 a plot of land that is less than ten acres or more than forty acres by any single registrant

22 or permittee, or over two thousand acres of land statewide among all registrants or
23 permittees, notwithstanding the twenty acre limitation for institutions of higher education
24 set forth in section 195.767.

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

195.755. A grower may retain seed from each industrial hemp crop to ensure a
2 sufficient supply of seed for that grower for the following year. A grower shall not be
3 required to obtain an agricultural hemp seed production permit in order to retain seed for
4 future planting. Any seed retained by a grower for future planting shall not be sold or
5 transferred and does not have to meet agricultural hemp seed standards established by the
6 department.

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

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

- 6 (1) Any provision of sections 195.740 to 195.773;
- 7 (2) Department rules and regulations;
- 8 (3) Industrial hemp registration or agricultural hemp seed production permit
9 requirements, terms, or conditions;

- 10 **(4) Any industrial hemp plant monitoring system requirement; or**
11 **(5) A final department order directed to the grower's or handler's industrial hemp**
12 **or agricultural hemp seed operations or activities.**

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

19 **3. If such crop is not destroyed within fifteen days of the grower or handler being**
20 **notified by the department by certified mail that the crop contains concentrations**
21 **exceeding those set forth in subsection 2 of this section, and directing the grower or handler**
22 **to destroy the crop, such grower or handler shall be subject to a fine of five thousand**
23 **dollars per day until such crop is destroyed. Such fine shall be in addition to any criminal**
24 **liability the grower or handler may incur, except that no such penalty or fine shall be**
25 **imposed prior to the expiration of the fifteen day notification period.**

26 **4. The Missouri state highway patrol may perform aerial surveillance to ensure**
27 **illegal industrial hemp or marijuana plants are not being cultivated on or near legal,**
28 **registered industrial hemp plantings.**

29 **5. The Missouri state highway patrol may coordinate with local law enforcement**
30 **agencies to certify the destruction of illegal industrial hemp and marijuana plants.**

31 **6. The department shall notify the Missouri state highway patrol and local law**
32 **enforcement agencies of the need to certify that a crop of industrial hemp deemed illegal**
33 **through field analysis has been destroyed.**

195.764. 1. The department may charge growers and handlers reasonable fees as
2 **determined by the department for the purposes of administering sections 195.740 to**
3 **195.773. Fees charged for purposes of administering sections 195.740 to 195.773 shall only**
4 **be used to administer such sections, and shall not provide additional revenue for the**
5 **department to use to administer any other program or provide staff to the department for**
6 **any other program. All fees collected under sections 195.740 to 195.773 shall be deposited**
7 **in the industrial hemp fund created under this section for use by the department to**
8 **administer sections 195.740 to 195.773.**

9 **2. There is hereby created in the state treasury the "Industrial Hemp Fund", which**
10 **shall consist of money collected under sections 195.740 to 195.773. The state treasurer shall**
11 **be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer**
12 **may approve disbursements. The fund shall be a dedicated fund and money in the fund**

13 shall be used solely by the department of agriculture for the purpose of administering such
14 sections, including reimbursing the Missouri state highway patrol for the enforcement of
15 such sections. Notwithstanding the provisions of section 33.080 to the contrary, any
16 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
17 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
18 manner as other funds are invested. Any interest and moneys earned on such investments
19 shall be credited to the fund.

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

7 **2.** The department shall refuse to issue an industrial hemp registration or
8 agricultural hemp seed permit to any institution of higher education if approving such
9 registration or permit would authorize the growth or cultivation of industrial hemp or
10 agricultural hemp seed by institutions of higher education on over twenty acres of land
11 statewide, notwithstanding the two thousand acre limitation set forth in section 195.749.
12 Notwithstanding subsection 4 of section 195.749 to the contrary, the department may issue
13 a registration or permit to an institution of higher education for the growth or cultivation
of industrial hemp or agricultural hemp seed on a plot of land that is less than ten acres.

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

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

- 9 (1) Breed, plant, grow, cultivate, and harvest the plant cannabis; and
10 (2) Collect seeds from wild cannabis plants.

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

8 in compliance with the federal Agricultural Act of 2014, or any successor federal law, as
9 well as any other applicable state and federal law.

10 2. The department shall promulgate rules necessary to administer the provisions
11 of sections 195.740 to 195.773. Any rule or portion of a rule, as that term is defined in
12 section 536.010, that is created under the authority delegated in this section shall become
13 effective only if it complies with and is subject to all of the provisions of chapter 536 and,
14 if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any
15 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay
16 the effective date, or to disapprove and annul a rule are subsequently held
17 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
18 after August 28, 2018, shall be invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

33 **2. A food shall not be considered adulterated solely for containing industrial hemp,**
34 **or an industrial hemp commodity or product.**

✓