

2012 Initiative Petitions

Approved for Circulation in Missouri

Statutory Amendment to RSMo Chapters 105, 195 and 263, Relating to Cannabis, version 3, 2012-083

Be it enacted by the people of the State of Missouri:

This measure implicitly repeals, in part or in whole, and amends various statutes and subsections of Missouri law including, but not necessarily limited to RSMo 105.1105, 105.1108, 105.1112, 195.010.(10)(b)c, 195.010.(10)(d), 195.010.(17)(m)(b), 195.010.(17)(g), 195.010.(17)(l), 195.010(24), 195.015.4, 195.017.2(4)(r), 195.017.2(4)(z), 195.017.2(4)(ii), 195.140.2(2), 195.202.2, 195.202.3, 195.211.2, 195.211.3, 195.211.4, 195.222.7, 195.223.7, 195.223.8, 263.250.1.

105.1105. Any public employee who is convicted, pleads guilty, or pleads nolo contendere for the first time, under the laws of this state, the United States or any other state, of any criminal offense involving the use of a controlled substance, [marijuana] or other dangerous drug as such substances are defined in chapter 195 shall be required to show evidence of completion of a drug abuse treatment and education program certified by the state. If the public employee refuses to participate in a drug abuse treatment program or if he fails to complete such program within six months of his public employer becoming aware of the conviction, the public employee shall be suspended from his public employment until such time as he shows evidence of completion of or shows evidence of enrollment and continuing progress in a certified drug abuse treatment and education program. Notwithstanding the provisions of section 36.370, such suspension shall be for no more than three months, after which time, if the public employee has failed to complete or has failed to show evidence of continuing progress in a drug abuse treatment and education program, he shall be dismissed from his public employment. After all requirements of the suspension period have been fulfilled by the public employee, he shall be returned to his former position with the public employer or, if such position is no longer available, he shall be placed in a position of comparable status as his former position prior to suspension.

105.1108. Any public employee who is convicted, pleads guilty, or pleads nolo contendere for a second or subsequent time, under the laws of this state, the United States, or any other state, of any criminal offense involving the use of a controlled substance, [marijuana] or other dangerous drug, as such substances are defined in chapter 195, shall be dismissed from his public employment and shall be ineligible for other public employment for a period of two years from the most recent date of conviction. Subsequent employment with a public employer after the two-year period shall be conditioned upon the showing of evidence of completion of a state certified drug abuse treatment and education program.

105.1112. Any person who is not a public employee who, within three years prior to applying for public employment or appointment from an eligibility register, has been convicted under the laws of this state, the United States or any other state, of any criminal offense involving the use of a controlled substance, [marijuana] or other dangerous drug, as such substances are defined in chapter 195, shall be ineligible for any public employment unless such person has completed or shows evidence of enrollment and continuing progress in a state certified drug abuse treatment and education program within such three-year period or is currently undergoing treatment in such program.

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean: (1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction; (2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by: (a) A practitioner (or, in his presence, by his authorized agent); or (b) The patient or research subject at the direction and in the presence of the practitioner; (3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and lawful course of the carrier's or warehouseman's business; (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425; (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I through V listed in sections 195.005 to 195.425; (6) "Controlled substance analogue", a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and: (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or (b) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; any substance for which an exemption is in effect for investigational use, for a particular person, under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant to the exemption; or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to the substance; (7) "Counterfeit substance", a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance; (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of

a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale; (9) "Dentist", a person authorized by law to practice dentistry in this state; (10) "Depressant or stimulant substance": (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid or any derivative of barbituric acid which has been designated by the United States Secretary of Health and Human Services as habit forming under 21 U.S.C. 352(d); (b) A drug containing any quantity of: a. Amphetamine or any of its isomers; b. Any salt of amphetamine or any salt of an isomer of amphetamine; or [c. Any substance the United States Attorney General, after investigation, has found to be, and by regulation designated as, habit forming because of its stimulant effect on the central nervous system;] (c) Lysergic acid diethylamide; or [(d) Any drug containing any quantity of a substance that the United States Attorney General, after investigation, has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect;] (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery. "Dispenser" means a practitioner who dispenses; (12) "Distribute", to deliver other than by administering or dispensing a controlled substance; (13) "Distributor", a person who distributes; (14) "Drug": (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals; (c) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and (d) Substances intended for use as a component of any article specified in this subdivision. It does not include devices or their components, parts or accessories; (15) "Drug-dependent person", a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of such substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects or to avoid the discomfort caused by its absence; (16) "Drug enforcement agency", the Drug Enforcement Administration in the United States Department of Justice, or its successor agency; (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425. It includes, but is not limited to: (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived; (b) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances; (c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an

imitation controlled substance; (d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances; (e) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances; (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances; [(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;] (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances; (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances; (j) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances; (k) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body; (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing [marijuana,] cocaine, [hashish, or hashish oil] into the human body, such as: [a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls; b. Water pipes; c. Carburetion tubes and devices; d. Smoking and carburetion masks; e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;] f. Miniature cocaine spoons and cocaine vials; [g. Chamber pipes; h. Carburetor pipes; i. Electric pipes; j. Air-driven pipes; k. Chillums; l. Bongs; m. Ice pipes or chillers;] (m) Substances used, intended for use, or designed for use in the manufacture of a controlled substance; In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following: (a) Statements by an owner or by anyone in control of the object concerning its use; (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law with the exception of cannabis relating to any controlled substance or imitation controlled substance; (c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425; (d) The proximity of the object to controlled substances or imitation controlled substances; (e) The existence of any residue of controlled substances or imitation controlled substances on the object; (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia; (g) Instructions, oral or written, provided with the object concerning its use; (h) Descriptive materials accompanying the object which explain or depict its use; (i) National or local advertising concerning its use; (j) The manner in which the object is displayed for sale; (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco

products; (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise; (m) The existence and scope of legitimate uses for the object in the community; (n) Expert testimony concerning its use; (o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material; (18) "Federal narcotic laws", the laws of the United States relating to controlled substances; (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions; or a place devoted primarily to provide, for not less than twenty-four consecutive hours in any week, medical or nursing care for three or more nonrelated individuals. The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in chapter 198; (20) "Immediate precursor", a substance which: (a) The state department of health and senior services has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance; (b) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and (c) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance; (21) "Imitation controlled substance", a substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following: (a) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information; (b) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect; (c) Whether the substance is packaged in a manner normally used for illicit controlled substances; (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud; (e) The proximity of the substances to controlled substances; (f) Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research; (22) "Laboratory", a laboratory approved by the department of health and senior services as proper to be entrusted with the custody of controlled substances but does not include a pharmacist who compounds controlled substances to be sold or dispensed on prescriptions; (23) "Manufacture", the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis,

and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug: (a) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or (b) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; [(24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination;] (25) "Methamphetamine precursor drug", any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; (26) "Narcotic drug", any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis: (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium; (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; (c) Cocaine or any salt, isomer, or salt of isomer thereof; (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof; (e) Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs (a) to (d) of this subdivision; (27) "Official written order", an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided, then on an official form provided for that purpose by the department of health and senior services; (28) "Opiate", any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan); (29) "Opium poppy", the plant of the species Papaver somniferum L., except its seeds; (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug other than a controlled substance; (31) "Person", an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity; (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where the context so requires, the owner of a store or other place of business

where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of this state; (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing; (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance possession is sole. If two or more persons share possession of a substance, possession is joint; (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research; (36) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance; (37) "Registry number", the number assigned to each person registered under the federal controlled substances laws; (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee; (39) "State" when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America; (40) "Ultimate user", a person who lawfully possesses a controlled substance or an imitation controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household; (41) "Wholesaler", a person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer sections 195.005 to 195.425 and may add substances to the schedules after public notice and hearing. In making a determination regarding a substance, the department of health and senior services shall consider the following: (1) The actual or relative potential for abuse; (2) The scientific evidence of its pharmacological effect, if known; (3) The state of current scientific knowledge regarding the substance; (4) The history and current pattern of abuse; (5) The scope, duration, and significance of abuse; (6) The risk to the public health; (7) The potential of the substance to produce psychic or physiological dependence liability; and (8) Whether the substance is an immediate precursor of a substance already controlled under sections 195.005 to 195.425. 2. After considering the factors enumerated in subsection 1 of this section the department of health and senior services shall make

findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse. 3. If the department of health and senior services designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor. 4. If any substance with the exception of cannabis is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the department of health and senior services, the department of health and senior services shall similarly control the substance under sections 195.005 to 195.425 after the expiration of thirty days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty-day period, the department of health and senior services objects to inclusion, rescheduling, or deletion. In that case, the department of health and senior services shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the department of health and senior services shall publish its decision, which shall be final unless altered by statute. Upon publication of objection to inclusion, rescheduling or deletion under sections 195.005 to 195.425 by the department of health and senior services, control under sections 195.005 to 195.425 is stayed as to the substance in question until the department of health and senior services publishes its decision. 5. The department of health and senior services shall exclude any nonnarcotic substance from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the law of this state, be lawfully sold over the counter without a prescription. 6. The department of health and senior services shall prepare a list of all drugs falling within the purview of controlled substances. Upon preparation, a copy of the list shall be filed in the office of the secretary of state.

195.017. 1. The department of health and senior services shall place a substance in Schedule I if it finds that the substance: (1) Has high potential for abuse; and (2) Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. 2. Schedule I: (1) The controlled substances listed in this subsection are included in Schedule I; (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation: (a) Acetyl-alpha-methylfentanyl; (b) Acetylmethadol; (c) Allylprodine; (d) Alphacetylmethadol; (e) Alphameprodine; (f) Alphamethadol; (g) Alpha-methylfentanyl; (h) Alpha-methylthiofentanyl; (i) Benzethidine; (j) Betacetylmethadol; (k) Beta-hydroxyfentanyl; (l) Beta-hydroxy-3-methylfentanyl; (m) Betameprodine; (n) Betamethadol; (o) Betaprodine; (p) Clonitazene; (q) Dextromoramide; (r) Diampromide; (s) Diethylthiambutene; (t) Difenoxin; (u) Dimenoxadol; (v) Dimepheptanol; (w) Dimethylthiambutene; (x) Dioxaphetyl butyrate; (y) Dipipanone; (z) Ethylmethylthiambutene; (aa) Etonitazene; (bb) Etoxidine; (cc) Furethidine; (dd) Hydroxypethidine; (ee) Ketobemidone; (ff) Levomoramide; (gg) Levophenacymorphan; (hh) 3-Methylfentanyl; (ii) 3-Methylthiofentanyl; (jj) Morpheridine; (kk) MPPP; (ll) Noracymethadol; (mm) Norlevorphanol; (nn) Normethadone; (oo) Norpipanone; (pp) Para-fluorofentanyl; (qq) PEPAP; (rr) Phenadoxone; (ss) Phenampromide; (tt) Phenomorphan; (uu) Phenoperidine; (vv)

Piritramide; (ww) Proheptazine; (xx) Properidine; (yy) Propiram; (zz) Racemoramide; (aaa) Thiofentanyl; (bbb) Tilidine; (ccc) Trimeperidine; (3) Any of the following opium derivatives, their salts, isomers and salts of isomers unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: (a) Acetorphine; (b) Acetyldihydrocodeine; (c) Benzylmorphine; (d) Codeine methylbromide; (e) Codeine-N-Oxide; (f) Cyprenorphine; (g) Desomorphine; (h) Dihydromorphine; (i) Drotebanol; (j) Etorphine (except hydrochloride salt); (k) Heroin; (l) Hydromorphanol; (m) Methyl-desorphine; (n) Methyl-dihydromorphine; (o) Morphine methylbromide; (p) Morphine methylsulfonate; (q) Morphine-N-Oxide; (r) Myrophine; (s) Nicocodeine; (t) Nicomorphine; (u) Normorphine; (v) Pholcodine; (w) Thebacon; (4) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation: (a) 4-bromo-2, 5-dimethoxyamphetamine; (b) 4-bromo-2, 5-dimethoxyphenethylamine; (c) 2,5-dimethoxyamphetamine; (d) 2,5-dimethoxy-4-ethylamphetamine; (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine; (f) 4-methoxyamphetamine; (g) 5-methoxy-3,4-methylenedioxyamphetamine; (h) 4-methyl-2, 5-dimethoxyamphetamine; (i) 3,4-methylenedioxyamphetamine; (j) 3,4-methylenedioxy-methamphetamine; (k) 3,4-methylenedioxy-N-ethylamphetamine; (l) N-hydroxy-3, 4-methylenedioxyamphetamine; (m) 3,4,5-trimethoxyamphetamine; (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers; (o) Alpha-ethyltryptamine; (p) Alpha-methyltryptamine; (q) Bufotenine; [(r) Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[*c*]chromen-1-ol; (s) Diethyltryptamine; (t) Dimethyltryptamine; (u) 5-methoxy-N,N-diisopropyltryptamine;] (v) Ibogaine; (w) Indole, or 1-butyl-3(1-naphthoyl)indole; (x) Indole, or 1-pentyl-3(1-naphthoyl)indole; (y) Lysergic acid diethylamide; [(z) Marijuana or marihuana;] (aa) Mescaline; (bb) Parahexyl; (cc) Peyote, to include all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or extracts; (dd) Phenol, CP 47, 497 & homologues, or 2- \hat{a} (1R,3S)-3-hydroxycyclohexyl-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n=4,6, or 7; (ee) N-ethyl-3-piperidyl benzilate; (ff) N-methyl-3-piperidyl benzilate; (gg) Psilocybin; (hh) Psilocyn; [(ii) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following: a. 1 cis or trans tetrahydrocannabinol, and their optical isomers; b. 6 cis or trans tetrahydrocannabinol, and their optical isomers; c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;] d. Any compounds of these structures, regardless of numerical designation of atomic positions covered; (jj) Ethylamine analog of phencyclidine; (kk) Pyrrolidine analog of phencyclidine; (ll) Thiophene analog of phencyclidine; (mm) 1- \hat{a} 1-(2-thienyl)cyclohexylpyrrolidine; (nn) *Salvia divinorum*; (oo) Salvinorin A; (5) Any material, compound, mixture or preparation

containing any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: (a) Gamma-hydroxybutyric acid; (b) Mecloqualone; (c) Methaqualone; (6) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers: (a) Aminorex; (b) N-benzylpiperazine; (c) Cathinone; (d) Fenethylamine; (e) Methcathinone; (f) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine); (g) N-ethylamphetamine; (h) N,N-dimethylamphetamine; (7) A temporary listing of substances subject to emergency scheduling under federal law shall include any material, compound, mixture or preparation which contains any quantity of the following substances: (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers; (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its optical isomers, salts and salts of isomers; (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*, whether growing or not; the seeds thereof; any extract from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts. 3. The department of health and senior services shall place a substance in Schedule II if it finds that: (1) The substance has high potential for abuse; (2) The substance has currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions; and (3) The abuse of the substance may lead to severe psychic or physical dependence. 4. The controlled substances listed in this subsection are included in Schedule II: (1) Any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis: (a) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextropropoxyphene, nalmefene, naloxone and naltrexone, and their respective salts but including the following: a. Raw opium; b. Opium extracts; c. Opium fluid; d. Powdered opium; e. Granulated opium; f. Tincture of opium; g. Codeine; h. Ethylmorphine; i. Etorphine hydrochloride; j. Hydrocodone; k. Hydromorphone; l. Metopon; m. Morphine; n. Oxycodone; o. Oxymorphone; p. Thebaine; (b) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium; (c) Opium poppy and poppy straw; (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy); (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, dextropropoxyphene excepted: (a) Alfentanil; (b) Alphaprodine; (c) Anileridine; (d) Bezitramide; (e) Bulk dextropropoxyphene; (f) Carfentanil; (g) Dihydrocodeine; (h) Diphenoxylate; (i)

Fentanyl; (j) Isomethadone; (k) Levo-alphaacetylmethadol; (l) Levomethorphan; (m) Levorphanol; (n) Metazocine; (o) Methadone; (p) Meperidine; (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane; (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic acid; (s) Pethidine (meperidine); (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; (w) Phenazocine; (x) Piminodine; (y) Racemethorphan; (z) Racemorphan; (aa) Remifentanyl; (bb) Sufentanyl; (cc) Tapentadol; (3) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers; (b) Lidexamphetamine, its salts, isomers, and salts of its isomers; (c) Methamphetamine, its salts, isomers, and salts of its isomers; (d) Phenmetrazine and its salts; (e) Methylphenidate; (4) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation: (a) Amobarbital; (b) Glutethimide; (c) Pentobarbital; (d) Phencyclidine; (e) Secobarbital; (5) Any material or compound which contains any quantity of nabilone; (6) Any material, compound, mixture, or preparation which contains any quantity of the following substances: (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone; (b) Immediate precursors to phencyclidine (PCP): a. 1-phenylcyclohexylamine; b. 1-piperidinocyclohexanecarbonitrile (PCC); (7) Any material, compound, mixture, or preparation which contains any quantity of the following alkyl nitrites: (a) Amyl nitrite; (b) Butyl nitrite. 5. The department of health and senior services shall place a substance in Schedule III if it finds that: (1) The substance has a potential for abuse less than the substances listed in Schedules I and II; (2) The substance has currently accepted medical use in treatment in the United States; and (3) Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. 6. The controlled substances listed in this subsection are included in Schedule III: (1) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system: (a) Benzphetamine; (b) Chlorphentermine; (c) Clortermine; (d) Phendimetrazine; (2) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances or salts having a depressant effect on the central nervous system: (a) Any material, compound, mixture or preparation which contains any quantity or salt of the following substances combined with one or more active medicinal ingredients: a. Amobarbital; b. Secobarbital; c. Pentobarbital; (b) Any suppository dosage form containing any quantity or salt of the following: a. Amobarbital; b. Secobarbital; c. Pentobarbital; (c) Any substance which contains any quantity of a derivative of barbituric acid or its salt; (d) Chlorhexadol; (e) Embutramide; (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in a drug product for which an application has been approved under Section 505 of the federal Food, Drug, and Cosmetic Act; (g) Ketamine, its salts, isomers, and salts of isomers; (h) Lysergic acid; (i) Lysergic acid amide; (j) Methyprylon; (k) Sulfondiethylmethane; (l) Sulfonethylmethane; (m) Sulfonmethane; (n) Tiletamine and

zolazepam or any salt thereof; (3) Nalorphine; (4) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or their salts: (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium; (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium; (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts; (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts; (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (g) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts; (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; (5) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine; (6) Anabolic steroids. Any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration. If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers: (a) 3{,17-dihydroxy-5a-androstane; (b) 3@,17{-dihydroxy-5a-androstane; (c) 5@-androst-3,17-dione; (d) 1-androstenediol (3{,17{-dihydroxy-5@-androst-1-ene); (e) 1-androstenediol (3@,17{-dihydroxy-5@-androst-1-ene); (f) 4-androstenediol (3{,17{-dihydroxy-androst-4-ene); (g) 5-androstenediol (3{,17{-dihydroxy-androst-5-ene); (h) 1-androstenedione (5@-androst-1-en-3,17-dione); (i) 4-androstenedione (androst-4-en-3,17-dione); (j) 5-androstenedione (androst-5-en-3,17-dione); (k) Bolasterone (7@, 17@-dimethyl-17{-hydroxyandrost-4-en-3-one); (l) Boldenone (17{-hydroxyandrost-1,4,-diene-3-one); (m) Boldione; (n) Calusterone (7{, 17@-dimethyl-17{-hydroxyandrost-4-en-3-one); (o) Clostebol (4-chloro-17{-hydroxyandrost-4-en-3-one); (p) Dehydrochloromethyltestosterone (4-chloro-17{-hydroxy-17@-methyl-androst-1,4-dien-3-one); (q) Desoxymethyltestosterone*; (r) 1-dihydrotestosterone (a.k.a. '1-testosterone')(17{-hydroxy-5@-androst-1-en-3-one); (s) 4-dihydrotestosterone (17{-

hydroxy-androstan-3-one); (t) Drostanolone (17{-hydroxy-2@-methyl-5@-androstan-3-one); (u) Ethylestrenol (17@-ethyl-17{-hydroxyestr-4-ene); (v) Fluoxymesterone (9-fluoro-17@-methyl-11{,17{-dihydroxyandrost-4-en-3-one); (w) Formebolone (2-formyl-17@-methyl-11@,17{-dihydroxyandrost-1,4-dien-3-one); (x) Furazabol (17@-methyl-17{-hydroxyandrostanoâ2,3-cã-furazan); (y) 13{-ethyl-17{-hydroxygon-4-en-3-one); (z) 4-hydroxytestosterone (4,17{-dihydroxy-androst-4-en-3-one); (aa) 4-hydroxy-19-nortestosterone (4,17{-dihydroxy-estr-4-en-3-one); (bb) Mestanolone (17@-methyl-17{-hydroxy-5-androstan-3-one); (cc) Mesterolone (1@methyl-17{-hydroxy-â5@ã-androstan-3-one); (dd) Methandienone (17@-methyl-17{-hydroxyandrost-1,4-dien-3-one); (ee) Methandriol (17@-methyl-3{,17{-dihydroxyandrost-5-ene); (ff) Methenolone (1-methyl-17{-hydroxy-5@-androst-1-en-3-one); (gg) 17@-methyl-3{,17{-dihydroxy-5a-androstane); (hh) 17@-methyl-3@,17{-dihydroxy-5a-androstane); (ii) 17@-methyl-3{,17{-dihydroxyandrost-4-ene); (jj) 17@-methyl-4-hydroxynandrolone (17@-methyl-4-hydroxy-17{-hydroxyestr-4-en-3-one); (kk) Methyldienolone (17@-methyl-17{-hydroxyestra-4,9(10)-dien-3-one); (ll) Methyltrienolone (17@-methyl-17{-hydroxyestra-4,9-11-trien-3-one); (mm) Methyltestosterone (17@-methyl-17{-hydroxyandrost-4-en-3-one); (nn) Mibolerone (7@,17@-dimethyl-17{-hydroxyestr-4-en-3-one); (oo) 17@-methyl-}1-dihydrotestosterone (17b{-hydroxy-17@-methyl-5@-androst-1-en-3-one) (a.k.a. '17-@-methyl-1-testosterone'); (pp) Nandrolone (17{-hydroxyestr-4-ene-3-one); (qq) 19-nor-4-androstenediol (3{,17{-dihydroxyestr-4-ene); (rr) 19-nor-4-androstenediol (3@,17{-dihydroxyestr-4-ene); (ss) 19-nor-4,9(10)-androstadienedione; (tt) 19-nor-5-androstenediol (3{,17{-dihydroxyestr-5-ene); (uu) 19-nor-5-androstenediol (3@,17{-dihydroxyestr-5-ene); (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione); (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione); (xx) Norbolethone (13{,17@-diethyl-17{-hydroxygon-4-en-3-one); (yy) Norclostebol (4-chloro-17{-hydroxyestr-4-en-3-one); (zz) Norethandrolone (17@-ethyl-17{-hydroxyestr-4-en-3-one); (aaa) Normethandrolone (17@-methyl-17{-hydroxyestr-4-en-3-one); (bbb) Oxandrolone (17@-methyl-17{-hydroxy-2-oxa-â5@ã-androstan-3-one); (ccc) Oxymesterone (17@-methyl-4,17{-dihydroxyandrost-4-en-3-one); (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17{-hydroxy-â5@ã-androstan-3-one); (eee) Stanozolol (17@-methyl-17{-hydroxy-â5@ã-androst-2-enoâ3,2-cã-pyrazole); (fff) Stenbolone (17{-hydroxy-2-methyl-â5@ã-androst-1-en-3-one); (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone); (hhh) Testosterone (17{-hydroxyandrost-4-en-3-one); (iii) Tetrahydrogestrinone (13{,17@-diethyl-17{-hydroxygon-4,9,11-trien-3-one); (jjj) Trenbolone (17{-hydroxyestr-4,9,11-trien-3-one); (kkk) Any salt, ester, or ether of a drug or substance described or listed in this subdivision, except an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for that administration; (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product; (8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations,

quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system. 7. The department of health and senior services shall place a substance in Schedule IV if it finds that: (1) The substance has a low potential for abuse relative to substances in Schedule III; (2) The substance has currently accepted medical use in treatment in the United States; and (3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. 8. The controlled substances listed in this subsection are included in Schedule IV: (1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below: (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit; (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2- propionoxybutane); (c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone: a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams; b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams; c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams; (2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation: (a) Alprazolam; (b) Barbitol; (c) Bromazepam; (d) Camazepam; (e) Chloral betaine; (f) Chloral hydrate; (g) Chlordiazepoxide; (h) Clobazam; (i) Clonazepam; (j) Clorazepate; (k) Clotiazepam; (l) Cloxazolam; (m) Delorazepam; (n) Diazepam; (o) Dichloralphenazone; (p) Estazolam; (q) Ethchlorvynol; (r) Ethinamate; (s) Ethyl loflazepate; (t) Fludiazepam; (u) Flunitrazepam; (v) Flurazepam; (w) Fospropofol; (x) Halazepam; (y) Haloxazolam; (z) Ketazolam; (aa) Loprazolam; (bb) Lorazepam; (cc) Lormetazepam; (dd) Mebutamate; (ee) Medazepam; (ff) Meprobamate; (gg) Methohexital; (hh) Methylphenobarbital (mephobarbital); (ii) Midazolam; (jj) Nimetazepam; (kk) Nitrazepam; (ll) Nordiazepam; (mm) Oxazepam; (nn) Oxazolam; (oo) Paraldehyde; (pp) Petrichloral; (qq) Phenobarbital; (rr) Pinazepam; (ss) Prazepam; (tt) Quazepam; (uu) Temazepam; (vv) Tetrazepam; (ww) Triazolam; (xx) Zaleplon; (yy) Zolpidem; (zz) Zopiclone; (3) Any material, compound, mixture, or preparation which contains any quantity of the following substance including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible: fenfluramine; (4) Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers: (a) Cathine ((+)-norpseudoephedrine); (b) Diethylpropion; (c) Fencamfamin; (d) Fenproporex; (e) Mazindol; (f) Mefenorex; (g) Modafinil; (h) Pemoline, including organometallic complexes and chelates thereof; (i) Phentermine; (j) Pipradrol; (k) Sibutramine; (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane); (5) Any material, compound, mixture or preparation containing any quantity of the following substance, including its salts: (a) butorphanol; (b) pentazocine; (6) Ephedrine, its salts, optical

isomers and salts of optical isomers, when the substance is the only active medicinal ingredient;(7) The department of health and senior services may except by rule any compound, mixture, or preparation containing any depressant substance listed in subdivision (1) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system. 9. The department of health and senior services shall place a substance in Schedule V if it finds that: (1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV; (2) The substance has currently accepted medical use in treatment in the United States; and (3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV. 10. The controlled substances listed in this subsection are included in Schedule V: (1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone: (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit; (b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams; (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit; (2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone; (3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers; (4) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: (a) Lacosamide; (b) Pregabalin. 11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription: (1) All packages of any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician; and (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least eighteen years of age; and (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require any person, prior to their purchasing, receiving or otherwise acquiring such

compound, mixture, or preparation to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable and showing the date of birth of the person; (4) The seller shall deliver the product directly into the custody of the purchaser. 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall implement and maintain an electronic log of each transaction. Such log shall include the following information: (1) The name, address, and signature of the purchaser; (2) The amount of the compound, mixture, or preparation purchased; (3) The date and time of each purchase; and (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy technician who dispensed the compound, mixture, or preparation to the purchaser. 13. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with transmission methods and frequency established by the department by regulation; 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities greater than those specified in this chapter. 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted. 16. Any person who knowingly or recklessly violates the provisions of subsections 11 to 15 of this section is guilty of a class A misdemeanor. 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to a prescription. 18. The manufacturer of a drug product or another interested party may apply with the department of health and senior services for an exemption from this section. The department of health and senior services may grant an exemption by rule from this section if the department finds the drug product is not used in the illegal manufacture of methamphetamine or other controlled or dangerous substances. The department of health and senior services shall rely on reports from law enforcement and law enforcement evidentiary laboratories in determining if the proposed product can be used to manufacture illicit controlled substances. 19. The department of health and senior services shall revise and republish the schedules annually. 20. The department of health and senior services shall promulgate rules under chapter 536 regarding the security and storage of Schedule V controlled substances, as described in subdivision (3) of subsection 10 of this section, for distributors as registered by the department of health and senior services. 21. Logs of transactions required to be kept and maintained by this section and section 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is the person whose transactions are recorded in the logs.

195.140. 1. All controlled substances, imitation controlled substances or drug paraphernalia for the administration, use or manufacture of controlled substances or imitation controlled substances and which have come into the custody of a peace officer or officer or agent of the department of health and senior services as provided by sections 195.010 to 195.320, the lawful possession of which is not established or the title to which cannot be ascertained after a hearing as prescribed in Rule 34 of Rules of Criminal

Procedure for the courts of Missouri or some other appropriate hearing, shall be forfeited, and disposed of as follows: (1) Except as in this section otherwise provided, the court or associate circuit judge having jurisdiction shall order such controlled substances, imitation controlled substances, or drug paraphernalia forfeited and destroyed. A record of the place where said controlled substances, imitation controlled substances, or drug paraphernalia were seized, of the kinds and quantities of controlled substances, imitation controlled substances, or drug paraphernalia so destroyed, and of the time, place and manner of destructions, shall be kept, and a return under oath, reporting the destruction of the controlled substances, imitation controlled substances, or drug paraphernalia shall be made to the court or associate circuit judge; (2) The department of health and senior services shall keep a complete record of all controlled substances, imitation controlled substances, or drug paraphernalia received and disposed of, together with the dates of such receipt and disposal, showing the exact kinds, quantities, and forms of such controlled substances, imitation controlled substances, or drug paraphernalia; the persons from whom received and to whom delivered; and by whose authority they were received, delivered or destroyed; which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic or controlled substances laws. 2. (1) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance, imitation controlled substance or drug paraphernalia in violation of sections 195.010 to 195.320, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used, or intended to be used, to facilitate any violation of sections 195.010 to 195.320 shall be forfeited, except that no property shall be forfeited under this subsection to the extent of the interest of an owner by reason of any act or omission established by him to have been committed without his knowledge or consent. (2) Any moneys, coin, or currency found in close proximity to forfeitable controlled substances, imitation controlled substances, or drug paraphernalia, or forfeitable records of the importation, manufacture, or distribution of controlled substances, imitation controlled substances or drug paraphernalia with the exception of cannabis are presumed to be forfeitable under this subsection. The burden of proof shall be upon claimants of the property to rebut this presumption. (3) All forfeiture proceedings shall be conducted pursuant to the provisions of sections 513.600 to 513.660*.

195.190. It is hereby made the duty of the department of health and senior services, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all county attorneys, to enforce all provisions of sections 195.005 to 195.425, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic and controlled substances with the exception of cannabis.

195.195. The authority to promulgate regulations for the efficient enforcement of sections 195.005 to 195.425 is hereby vested in the director of the department of health and senior services subject to the provisions of subsection 1 of section 195.030 and chapter 536. The director of the department of health and senior services is hereby authorized to make regulations promulgated under sections 195.005 to 195.425 conform with those

promulgated under the federal Comprehensive Drug Abuse Prevention and Control Act of 1970 with the exception of cannabis.

195.197. The department of health and senior services shall cooperate with federal and other state agencies including the board of pharmacy in discharging its responsibilities concerning traffic in controlled substances, narcotic or dangerous drugs and in suppressing the abuse of controlled substances with the exception of cannabis.

195.202. 1. Except as authorized by sections 195.005 to 195.425, it is unlawful for any person to possess or have under his control a controlled substance. 2. Any person who violates this section with respect to any controlled substance [except thirty-five grams or less of marijuana, Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[*a*]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-(1R,3S)-3-hydroxycyclohexyl-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7] is guilty of a class C felony. [3. Any person who violates this section with respect to not more than thirty-five grams of marijuana, Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[*a*]chromen-1-ol, Indole, or 1-butyl-3(1-naphthoyl)indole, Indole, or 1-pentyl-3(1-naphthoyl)indole, and Phenol, CP 47, 497 & homologues, or 2-(1R,3S)-3-hydroxycyclohexyl-5-(2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7 is guilty of a class A misdemeanor.]

195.211. 1. Except as authorized by sections 195.005 to 195.425 and except as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture, produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to possess with intent to distribute, deliver, manufacture, or produce a controlled substance. 2. Any person who violates or attempts to violate this section with respect to manufacturing or production of a controlled substance of any amount [except for five grams or less of marijuana] in a residence where a child resides or within two thousand feet of the real property comprising a public or private elementary or public or private elementary or secondary school, public vocational school or a public or private community college, college or university, or any school bus is guilty of a class A felony. 3. Any person who violates or attempts to violate this section with respect to any controlled substance [except five grams or less of marijuana] is guilty of a class B felony. [4. Any person who violates this section with respect to distributing or delivering not more than five grams of marijuana is guilty of a class C felony.]

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is ninety grams or

more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 2. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is four hundred fifty grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 3. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than two grams but less than six grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is six grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 4. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is one gram or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 5. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is ninety grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 6. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine. Violations of this subsection shall be punished as follows: (1) If the

quantity involved is more than four grams but less than twelve grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is twelve grams or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. [7. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is one hundred kilograms or more the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.] 8. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole. 9. A person commits the crime of trafficking drugs in the first degree if, except as authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4- methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be sentenced to the authorized term of imprisonment for a class A felony; (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty grams or more and the location of the offense was within two thousand feet of a school or public housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any structure or building which contains rooms furnished for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are sought for pay or compensation to transient guests or

permanent guests, the person shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony; (2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony; (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than two grams but less than six grams the person shall be guilty of a class B felony; (2) If the quantity involved is six grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony; (2) If the quantity involved is one gram or more the person shall be guilty of a class A felony.

5. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony; (2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

6. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to

purchase, or brings into this state more than four grams of phencyclidine. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than four grams but less than twelve grams the person shall be guilty of a class B felony; (2) If the quantity involved is twelve grams or more the person shall be guilty of a class A felony.

[7. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or substance containing marijuana. Violations of this subsection shall be punished as follows: (1) If the quantity involved is more than thirty kilograms but less than one hundred kilograms the person shall be guilty of a class B felony; (2) If the quantity involved is one hundred kilograms or more the person shall be guilty of a class A felony.

8. A person commits the class A felony of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred marijuana plants.]

9. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony; (2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony; (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

10. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control, purchases or attempts to purchase, or brings into this state more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4- methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this subsection shall be punished as follows: (1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony; (2) If the quantity involved is ninety grams or more but less than four hundred fifty grams, the person shall be guilty of a class A felony; (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty of a class A felony and the term of imprisonment shall be served without probation or parole.

195.371. No criminal liability is imposed by sections 195.005 to 195.425 upon any authorized state, county, or municipal [officer] employee, lawfully engaged in the enforcement of sections 195.005 to 195.425 in good faith.

263.250. [1. The plant "marijuana", botanically known as *cannabis sativa*, is hereby declared to be a noxious weed and all owners and occupiers of land shall destroy all such plants growing upon their land. Any person who knowingly allows such plants to grow

on his land or refuses to destroy such plants after being notified to do so shall allow any sheriff or such other persons as designated by the county commission to enter upon any land in this state and destroy such plants. 2. Entry to such lands shall not be made, by any sheriff or other designated person to destroy such plants, until fifteen days' notice by certified mail shall be given the owner or occupant to destroy such plants or a search warrant shall be issued on probable cause shown. In all such instances, the county commission shall bear the cost of destruction and notification.]

195.516.1. Cannabis shall immediately be removed from the Missouri Revised Statutes list of controlled substances and shall no longer be listed among Missouri's drug schedules.

2. Definition of terms, as used in this Act: (a) "cannabis" and "cannabis hemp" refer to the natural, non genetically modified plant hemp, cannabis, marihuana, marijuana, cannabis sativa L, cannabis americana, cannabis chinensis, cannabis indica, cannabis ruderalis, cannabis sativa, or any variety of cannabis, including any derivative, concentrate, extract, flower, leaf, particle, preparation, resin, root, salt, seed, stalk, stem, or any product thereof.

(b) "agricultural hemp" and "agricultural cannabis" means all products made from cannabis hemp with a THC content of less than one percent.

(c) "medical cannabis" means all products made from cannabis that are designed, intended, or used for the treatment of any human disease or condition.

(d) "adult use" and "personal adult use" refer to the non-medical consumption of cannabis with greater than 1% THC by persons twenty-one years of age or older.

(e) "cannabis accessories" means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

(f) "Department" means the Department of Health and Senior Services or its successor agency.

(g) "cannabis establishment" means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a retail cannabis store or other entity licensed to cultivate, prepare, manufacture, package, transport or sell cannabis, cannabis products and cannabis accessories.

(h) "impairment" means the inability of a person to safely perform functional tasks associated with his or her job or with driving due to the influence of alcohol or other drugs.

3. Notwithstanding any other provision of law, the following acts are not unlawful and shall not be an offense under Missouri law or be a basis for seizure or forfeiture of assets under Missouri law for persons twenty-one years of age or older:

(a) Possession of cannabis for personal adult use by persons twenty-one years of age or older.

(b) Cultivating cannabis that is not intended for resale within an area measuring ten feet

by ten feet for personal adult use, or in an area sufficient to produce the quantity necessary to address a patient's medical needs under the recommendation of a physician.

(c) Cultivating, harvesting, processing, manufacturing, packaging, distributing, transferring, displaying or possessing cannabis, cannabis accessories, and cannabis products for commercial purposes providing the person has a current, valid license to operate a cannabis establishment or is acting in his or her capacity as an owner, employee or agent of a licensed cannabis establishment.

(d) Providing cannabis, cannabis accessories, and cannabis products for sale to consumers twenty-one years of age or older for personal adult use if the person conducting the activities described in this paragraph has obtained a current, valid license to operate a retail cannabis store or is acting in his or her capacity as an owner, employee or agent of a licensed retail cannabis store.

(e) Leasing or otherwise allowing the use of property owned, occupied or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with paragraphs (a) through (d) of this subsection.

4. Medical cannabis shall be available to patients who have a physician's recommendation.

(a) All patients engaged in cannabis therapy shall be afforded the same rights and privileges afforded to any patient treated through other pharmaceutical means.

(b) Cannabis acquisition, possession, and consumption shall be permitted to patients under the age of twenty-one with the consent of a parent or legal guardian and through the supervision of a parent or legal custodian and a licensed physician.

(c) Licensed physicians shall not be penalized for nor restricted from recommending cannabis for medical purposes to any person.

(d) Opinions pertaining to, and willingness to recommend medical cannabis therapy shall not be a criteria for the licensure of physicians; no physician shall be subject to any professional licensing review or hearing as a result of recommending or approving medical cannabis therapy.

(e) Any individual who is a legal cannabis patient in another state shall be granted the same rights and privileges as a legal Missouri cannabis patient.

(f) Medical care, including organ transplants, shall not be restricted in any way based on a person's use of cannabis.

5. Not later than February 1, 2013, the Department shall adopt regulations necessary for implementation of this section.

(a) All regulations and rules imposed by the Department or any other agency of government shall meet a standard of strict scrutiny as to whether they further the goals of this Act and must be narrowly tailored to meet those goals. Such regulations shall include:

(i) Procedures for the issuance, renewal, suspension, and revocation of a license to operate a cannabis establishment;

(ii) A schedule of application, licensing and renewal fees;

(iii) Qualifications for licensure that are directly and demonstrably related to the operation of a cannabis establishment;

(iv) Security requirements for cannabis establishments;

(v) Civil penalties for the failure to comply with regulations made pursuant to this section;

(vi) The Department shall not require a consumer to provide a retail cannabis store with personal information other than identification to determine the consumer's age, and a retail cannabis store shall not be required to acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

(b) Each application for an annual license to operate a cannabis establishment shall be submitted to the department. The department shall:

(i) Begin accepting and processing applications on July 1, 2013;

(ii) Immediately forward a copy of each application and half of the license application fee to the county, municipality or city and county in which the applicant desires to operate the cannabis establishment;

(iii) Issue an annual license to the applicant between forty-five and ninety days after receipt of an application unless the department finds the applicant is not in compliance with regulations enacted pursuant to paragraph (a);

(iv) Upon denial of an application, notify the applicant of the specific reason for its denial.

(c) Retail cannabis products for medical or adult use shall contain appropriate labeling which outlines the weight, and estimated potency of the product, lists all pesticides used in production, and summarizes the safe and effective use of cannabis. Labels shall not be promotional, false or misleading, and should be based on data derived from scientific study and prevailing human experience.

6. Nothing in this section shall:

(a) Require an employer to retain an employee who is impaired on the job by his use of cannabis.

(b) Permit operation of a motor vehicle by anyone who is impaired by cannabis.

(c) Permit the transfer or sale of cannabis intended for adult use to a person younger than twenty-one years of age.

(d) Forbid any individual or corporate property owner from prohibiting the distribution, sale or cultivation of cannabis within their dwelling.

7. Upon the passage of this Act, all persons incarcerated or under supervision of the Missouri Board of Probation and Parole for non-violent, cannabis-only offenses which are no longer illegal in the State of Missouri under this Act shall be immediately released.

(a) The Court shall order the immediate expungement of civil and criminal records pertaining to non-violent cannabis only offenses which are no longer illegal in the State of Missouri under this Act.

(b) Within 120 days of the passage of this Act, the Attorney General shall develop and make available to the public an application providing for the destruction of all cannabis-related civil and criminal records in Missouri and for any offense covered by this statute. These applications shall be distributed to all Circuit Court clerks within the State.

8. The Missouri General Assembly may enact a tax of up to \$100 per pound of dried cannabis to be levied upon cannabis which is sold solely for personal adult use at the retail level.

9. No Missouri law enforcement personnel or state funds shall be used to assist or aid and abet in the enforcement of federal cannabis laws involving acts which are no longer illegal in the State of Missouri under this statute.

10. Any person who willfully impedes the lawful exercise of these provisions is guilty of a Class A misdemeanor.

11. Commercial and agricultural cannabis farmers, manufacturers, processors, and distributors shall not be subject to any special zoning requirement, licensing fee, or tax that is excessive, discriminatory, or prohibitive, or in any way significantly different from any other commercial or agricultural farmer, manufacturer, processor or distributor.

12. No person twenty-one years of age or older shall be arrested or prosecuted, nor be subject to any criminal penalties for possessing, growing or consuming cannabis, nor for distributing cannabis to persons aged twenty-one years or older.

13. Pursuant to the Ninth and Tenth Amendments to the Constitution of the United States, the people of Missouri hereby repudiate and challenge federal cannabis prohibitions that conflict with this Act.

14. Severability: If any provision of this Act or the application of any such provision to any person or circumstance, shall be held invalid by any court, the remainder of this Act, to the extent it can be given effect, or the application of such provisions to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Act are severable.

15. Construction: If any rival or conflicting initiative regulating any matter addressed by this act receives the higher affirmative vote, then all non-conflicting parts shall become operative.

16. All provisions of this section are self-executing and severable, and, except where otherwise indicated in the text, shall supersede conflicting state or federal statutory, local charter, ordinance, or resolution, and other federal, state and local provisions.