

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 85
94TH GENERAL ASSEMBLY

Reported from the Committee on Seniors, Families and Public Health, March 8, 2007, with recommendation that the Senate Committee Substitute do pass.

0496S.08C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 195.010, 195.017, and 195.417, RSMo, and to enact in lieu thereof eleven new sections relating to monitoring of drugs, with penalty provisions and an effective date.

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

Section A. Sections 195.010, 195.017, and 195.417, RSMo, are repealed and
2 eleven new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.017, 195.417, 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396,
4 and 195.399, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to
2 195.425, unless the context otherwise requires, mean:

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

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

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

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

13 (3) "Agent", an authorized person who acts on behalf of or at the direction of
14 a manufacturer, distributor, or dispenser. The term does not include a common or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 contract carrier, public warehouseman, or employee of the carrier or warehouseman
16 while acting in the usual and lawful course of the carrier's or warehouseman's
17 business;

18 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
19 attorney general authorized to investigate, commence and prosecute an action under
20 sections 195.005 to 195.425;

21 (5) "Controlled substance", a drug, substance, or immediate precursor in
22 Schedules I through V listed in sections 195.005 to 195.425;

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

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

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

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

46 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
47 from one person to another of drug paraphernalia or of a controlled substance, or an
48 imitation controlled substance, whether or not there is an agency relationship, and

49 includes a sale;

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

51 (10) "Depressant or stimulant substance":

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

56 (b) A drug containing any quantity of:

57 a. Amphetamine or any of its isomers;

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

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

62 (c) Lysergic acid diethylamide; or

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

67 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
68 ultimate user or research subject by or pursuant to the lawful order of a practitioner
69 including the prescribing, administering, packaging, labeling, or compounding
70 necessary to prepare the substance for such delivery. "Dispenser" means a
71 practitioner who dispenses;

72 (12) "Distribute", to deliver other than by administering or dispensing a
73 controlled substance;

74 (13) "Distributor", a person who distributes;

75 (14) "Drug":

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

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

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

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

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

91 (16) "Drug enforcement agency", the Drug Enforcement Administration in the
92 United States Department of Justice, or its successor agency;

93 (17) "Drug paraphernalia", all equipment, products, substances and materials
94 of any kind which are used, intended for use, or designed for use, in planting,
95 propagating, cultivating, growing, harvesting, manufacturing, compounding,
96 converting, producing, processing, preparing, storing, containing, concealing,
97 injecting, ingesting, inhaling, or otherwise introducing into the human body a
98 controlled substance or an imitation controlled substance in violation of sections
99 195.005 to 195.425. It includes, but is not limited to:

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

103 (b) Kits used, intended for use, or designed for use in manufacturing,
104 compounding, converting, producing, processing, or preparing controlled substances
105 or imitation controlled substances;

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

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

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

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

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

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

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

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

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

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

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

135 b. Water pipes;

136 c. Carburetion tubes and devices;

137 d. Smoking and carburetion masks;

138 e. Roach clips meaning objects used to hold burning material, such as a
139 marijuana cigarette, that has become too small or too short to be held in the hand;

140 f. Miniature cocaine spoons and cocaine vials;

141 g. Chamber pipes;

142 h. Carburetor pipes;

143 i. Electric pipes;

144 j. Air-driven pipes;

145 k. Chillums;

146 l. Bongs;

147 m. Ice pipes or chillers;

148 (m) Substances used, intended for use, or designed for use in the manufacture
149 of a controlled substance;

150 In determining whether an object, product, substance or material is drug

151 paraphernalia, a court or other authority should consider, in addition to all other
152 logically relevant factors, the following:

153 (a) Statements by an owner or by anyone in control of the object concerning
154 its use;

155 (b) Prior convictions, if any, of an owner, or of anyone in control of the
156 object, under any state or federal law relating to any controlled substance or imitation
157 controlled substance;

158 (c) The proximity of the object, in time and space, to a direct violation of
159 sections 195.005 to 195.425;

160 (d) The proximity of the object to controlled substances or imitation
161 controlled substances;

162 (e) The existence of any residue of controlled substances or imitation
163 controlled substances on the object;

164 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone
165 in control of the object, to deliver it to persons who he knows, or should reasonably
166 know, intend to use the object to facilitate a violation of sections 195.005 to 195.425;
167 the innocence of an owner, or of anyone in control of the object, as to direct violation
168 of sections 195.005 to 195.425 shall not prevent a finding that the object is intended
169 for use, or designed for use as drug paraphernalia;

170 (g) Instructions, oral or written, provided with the object concerning its use;

171 (h) Descriptive materials accompanying the object which explain or depict its
172 use;

173 (i) National or local advertising concerning its use;

174 (j) The manner in which the object is displayed for sale;

175 (k) Whether the owner, or anyone in control of the object, is a legitimate
176 supplier of like or related items to the community, such as a licensed distributor or
177 dealer of tobacco products;

178 (l) Direct or circumstantial evidence of the ratio of sales of the object to the
179 total sales of the business enterprise;

180 (m) The existence and scope of legitimate uses for the object in the
181 community;

182 (n) Expert testimony concerning its use;

183 (o) The quantity, form or packaging of the product, substance or material in
184 relation to the quantity, form or packaging associated with any legitimate use for the

185 product, substance or material;

186 (18) "Federal narcotic laws", the laws of the United States relating to
187 controlled substances;

188 (19) "Hospital", a place devoted primarily to the maintenance and operation
189 of facilities for the diagnosis, treatment or care, for not less than twenty-four hours
190 in any week, of three or more nonrelated individuals suffering from illness, disease,
191 injury, deformity or other abnormal physical conditions; or a place devoted primarily
192 to provide, for not less than twenty-four consecutive hours in any week, medical or
193 nursing care for three or more nonrelated individuals. The term "hospital" does not
194 include convalescent, nursing, shelter or boarding homes as defined in chapter 198,
195 RSMo;

196 (20) "Immediate precursor", a substance which:

197 (a) The state department of health and senior services has found to be and by
198 rule designates as being the principal compound commonly used or produced
199 primarily for use in the manufacture of a controlled substance;

200 (b) Is an immediate chemical intermediary used or likely to be used in the
201 manufacture of a controlled substance; and

202 (c) The control of which is necessary to prevent, curtail or limit the
203 manufacture of the controlled substance;

204 (21) "Imitation controlled substance", a substance that is not a controlled
205 substance, which by dosage unit appearance (including color, shape, size and
206 markings), or by representations made, would lead a reasonable person to believe that
207 the substance is a controlled substance. In determining whether the substance is an
208 "imitation controlled substance" the court or authority concerned should consider, in
209 addition to all other logically relevant factors, the following:

210 (a) Whether the substance was approved by the federal Food and Drug
211 Administration for over-the-counter (nonprescription or nonlegend) sales and was sold
212 in the federal Food and Drug Administration approved package, with the federal Food
213 and Drug Administration approved labeling information;

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

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

218 (d) Prior convictions, if any, of an owner, or anyone in control of the object,

219 under state or federal law related to controlled substances or fraud;

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

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

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

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

240 (a) By a practitioner as an incident to his administering or dispensing of a
241 controlled substance or an imitation controlled substance in the course of his
242 professional practice, or

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

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

253 derivative, mixture or preparation of the mature stalks (except the resin extracted
254 therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
255 germination;

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

259 (26) **"Mobile retail vendor", a person or entity that makes sales at retail**
260 **from a stand that is intended to be temporary, or is capable of being moved from**
261 **one location to another, whether the stand is located within or on the premises**
262 **of a fixed facility, such as a kiosk at a shopping center or an airport, or whether**
263 **the stand is located on unimproved real estate, such as a lot or field leased for**
264 **retail purposes;**

265 (27) "Narcotic drug", any of the following, whether produced directly or
266 indirectly by extraction from substances of vegetable origin, or independently by
267 means of chemical synthesis, or by a combination of extraction and chemical analysis:

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

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

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

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

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

278 [(27)] (28) "Official written order", an order written on a form provided for
279 that purpose by the United States Commissioner of Narcotics, under any laws of the
280 United States making provision therefor, if such order forms are authorized and
281 required by federal law, and if no such order form is provided, then on an official
282 form provided for that purpose by the department of health and senior services;

283 [(28)] (29) "Opiate", any substance having an addiction-forming or
284 addiction-sustaining liability similar to morphine or being capable of conversion into
285 a drug having addiction-forming or addiction-sustaining liability. The term includes
286 its racemic and levorotatory forms. It does not include, unless specifically controlled

287 under section 195.017, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan
288 and its salts (dextromethorphan);

289 [(29)] (30) "Opium poppy", the plant of the species *Papaver somniferum* L.,
290 except its seeds;

291 [(30)] (31) "Over-the-counter sale", a retail sale licensed pursuant to chapter
292 144, RSMo, of a drug other than a controlled substance;

293 [(31)] (32) "Person", an individual, corporation, government or governmental
294 subdivision or agency, business trust, estate, trust, partnership, joint venture,
295 association, or any other legal or commercial entity;

296 [(32)] (33) "Pharmacist", a licensed pharmacist as defined by the laws of this
297 state, and where the context so requires, the owner of a store or other place of
298 business where controlled substances are compounded or dispensed by a licensed
299 pharmacist; but nothing in sections 195.005 to 195.425 shall be construed as
300 conferring on a person who is not registered nor licensed as a pharmacist any
301 authority, right or privilege that is not granted to him by the pharmacy laws of this
302 state;

303 [(33)] (34) "Poppy straw", all parts, except the seeds, of the opium poppy,
304 after mowing;

305 [(34)] (35) "Possessed" or "possessing a controlled substance", a person, with
306 the knowledge of the presence and nature of a substance, has actual or constructive
307 possession of the substance. A person has actual possession if he has the substance
308 on his person or within easy reach and convenient control. A person who, although
309 not in actual possession, has the power and the intention at a given time to exercise
310 dominion or control over the substance either directly or through another person or
311 persons is in constructive possession of it. Possession may also be sole or joint. If
312 one person alone has possession of a substance possession is sole. If two or more
313 persons share possession of a substance, possession is joint;

314 [(35)] (36) "Practitioner", a physician, dentist, optometrist, podiatrist,
315 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
316 registered or otherwise permitted by this state to distribute, dispense, conduct research
317 with respect to or administer or to use in teaching or chemical analysis, a controlled
318 substance in the course of professional practice or research in this state, or a
319 pharmacy, hospital or other institution licensed, registered, or otherwise permitted to
320 distribute, dispense, conduct research with respect to or administer a controlled

321 substance in the course of professional practice or research;

322 [(36)] (37) "Production", includes the manufacture, planting, cultivation,
323 growing, or harvesting of drug paraphernalia or of a controlled substance or an
324 imitation controlled substance;

325 [(37)] (38) "Registry number", the number assigned to each person registered
326 under the federal controlled substances laws;

327 [(38)] (39) "Sale", includes barter, exchange, or gift, or offer therefor, and
328 each such transaction made by any person, whether as principal, proprietor, agent,
329 servant or employee;

330 [(39)] (40) "State" when applied to a part of the United States, includes any
331 state, district, commonwealth, territory, insular possession thereof, and any area
332 subject to the legal authority of the United States of America;

333 [(40)] (41) "Ultimate user", a person who lawfully possesses a controlled
334 substance or an imitation controlled substance for his own use or for the use of a
335 member of his household or for administering to an animal owned by him or by a
336 member of his household;

337 [(41)] (42) "Wholesaler", a person who supplies drug paraphernalia or
338 controlled substances or imitation controlled substances that he himself has not
339 produced or prepared, on official written orders, but not on prescriptions.

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

3 (1) Has high potential for abuse; and

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

6 2. Schedule I:

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

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

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

- 16 (d) Alphacetylmethadol;
17 (e) Alphameprodine;
18 (f) Alphamethadol;
19 (g) Alpha-methylfentanyl;
20 (h) Alpha-methylthiofentanyl;
21 (i) Benzethidine;
22 (j) Betacetylmethadol;
23 (k) Beta-hydroxyfentanyl;
24 (l) Beta-hydroxy-3-methylfentanyl;
25 (m) Betameprodine;
26 (n) Betamethadol;
27 (o) Betaprodine;
28 (p) Clonitazene;
29 (q) Dextromoramide;
30 (r) Diampromide;
31 (s) Diethylthiambutene;
32 (t) Difenoxin;
33 (u) Dimenoxadol;
34 (v) Dimepheptanol;
35 (w) Dimethylthiambutene;
36 (x) Dioxaphetyl butyrate;
37 (y) Dipipanone;
38 (z) Ethylmethylthiambutene;
39 (aa) Etonitazene;
40 (bb) Etoxidine;
41 (cc) Furethidine;
42 (dd) Hydroxypethidine;
43 (ee) Ketobemidone;
44 (ff) Levomoramide;
45 (gg) Levophenacymorphan;
46 (hh) 3-Methylfentanyl;
47 (ii) 3-Methylthiofentanyl;
48 (jj) Morpheridine;
49 (kk) MPPP;

- 50 (ll) Noracymethadol;
51 (mm) Norlevorphanol;
52 (nn) Normethadone;
53 (oo) Norpipanone;
54 (pp) Para-fluorofentanyl;
55 (qq) PEPAP;
56 (rr) Phenadoxone;
57 (ss) Phenampromide;
58 (tt) Phenomorphan;
59 (uu) Phenoperidine;
60 (vv) Piritramide;
61 (ww) Proheptazine;
62 (xx) Properidine;
63 (yy) Propiram;
64 (zz) Racemoramide;
65 (aaa) Thiofentanyl;
66 (bbb) Tilidine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts of
69 isomers unless specifically excepted, whenever the existence of these salts, isomers
70 and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;
74 (d) Codeine methylbromide;
75 (e) Codeine-N-Oxide;
76 (f) Cyprenorphine;
77 (g) Desomorphine;
78 (h) Dihydromorphine;
79 (i) Drotebanol;
80 (j) Etorphine; (except Hydrochloride Salt);
81 (k) Heroin;
82 (l) Hydromorphanol;
83 (m) Methyldesorphine;

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

- 118 (r) Dimethyltryptamine;
- 119 (s) Ibogaine;
- 120 (t) Lysergic acid diethylamide;
- 121 (u) Marijuana; (Marihuana);
- 122 (v) Mescaline;
- 123 (w) Parahexyl;
- 124 (x) Peyote, to include all parts of the plant presently classified botanically as
- 125 *Lophophora Williamsii* Lemaire, whether growing or not; the seeds thereof; any
- 126 extract from any part of such plant; and every compound, manufacture, salt,
- 127 derivative, mixture or preparation of the plant, its seed or extracts;
- 128 (y) N-ethyl-3-piperidyl benzilate;
- 129 (z) N-methyl-3-piperidyl benzilate;
- 130 (aa) Psilocybin;
- 131 (bb) Psilocyn;
- 132 (cc) Tetrahydrocannabinols;
- 133 (dd) Ethylamine analog of phencyclidine;
- 134 (ee) Pyrrolidine analog of phencyclidine;
- 135 (ff) Thiophene analog of phencyclidine;
- 136 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
- 137 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 138 (ii) *Salvia divinorum*;
- 139 (jj) Salvinorin A;
- 140 (5) Any material, compound, mixture or preparation containing any quantity
- 141 of the following substances having a depressant effect on the central nervous system,
- 142 including their salts, isomers and salts of isomers whenever the existence of these
- 143 salts, isomers and salts of isomers is possible within the specific chemical
- 144 designation:
- 145 (a) Gamma hydroxybutyric acid;
- 146 (b) Mecloqualone;
- 147 (c) Methaqualone;
- 148 (6) Any material, compound, mixture or preparation containing any quantity
- 149 of the following substances having a stimulant effect on the central nervous system,
- 150 including their salts, isomers and salts of isomers:
- 151 (a) Aminorex;

- 152 (b) Cathinone;
- 153 (c) Fenethylamine;
- 154 (d) Methcathinone;
- 155 (e) (+) cis-4-methylaminorex ((+) cis-4,5-dihydro-
- 156 4-methyl-5-phenyl-2-oxazoline);
- 157 (f) N-ethylamphetamine;
- 158 (g) N,N-dimethylamphetamine;
- 159 (7) A temporary listing of substances subject to emergency scheduling under
- 160 federal law shall include any material, compound, mixture or preparation which
- 161 contains any quantity of the following substances:
- 162 (a) [N-(1-benzyl-4-piperidyl)-N-phenylpropanamide] **N-(1-benzyl-4-**
- 163 **piperidyl)-N-phenylpropanamide** (benzylfentanyl), its optical isomers, salts and salts
- 164 of isomers;
- 165 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
- 166 (thienylfentanyl), its optical isomers, salts and salts of isomers;
- 167 (c) Alpha-Methyltryptamine, or (AMT);
- 168 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 169 (8) Khat, to include all parts of the plant presently classified botanically as
- 170 catha edulis, whether growing or not; the seeds thereof; any extract from any part of
- 171 such plant; and every compound, manufacture, salt, derivative, mixture, or preparation
- 172 of the plant, its seed or extracts.
- 173 3. The department of health and senior services shall place a substance in
- 174 Schedule II if it finds that:
- 175 (1) The substance has high potential for abuse;
- 176 (2) The substance has currently accepted medical use in treatment in the
- 177 United States, or currently accepted medical use with severe restrictions; and
- 178 (3) The abuse of the substance may lead to severe psychic or physical
- 179 dependence.
- 180 4. The controlled substances listed in this subsection are included in Schedule
- 181 II:
- 182 (1) Any of the following substances whether produced directly or indirectly
- 183 by extraction from substances of vegetable origin, or independently by means of
- 184 chemical synthesis, or by combination of extraction and chemical synthesis:
- 185 (a) Opium and opiate and any salt, compound, derivative or preparation of

186 opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan,
187 nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but
188 including the following:

- 189 a. Raw opium;
- 190 b. Opium extracts;
- 191 c. Opium fluid;
- 192 d. Powdered opium;
- 193 e. Granulated opium;
- 194 f. Tincture of opium;
- 195 g. Codeine;
- 196 h. Ethylmorphine;
- 197 i. Etorphine hydrochloride;
- 198 j. Hydrocodone;
- 199 k. Hydromorphone;
- 200 l. Metopon;
- 201 m. Morphine;
- 202 n. Oxycodone;
- 203 o. Oxymorphone;
- 204 p. Thebaine;

205 (b) Any salt, compound, derivative, or preparation thereof which is chemically
206 equivalent or identical with any of the substances referred to in this subdivision, but
207 not including the isoquinoline alkaloids of opium;

208 (c) Opium poppy and poppy straw;

209 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
210 leaves, and any salt, compound, derivative, or preparation thereof which is chemically
211 equivalent or identical with any of these substances, but not including decocainized
212 coca leaves or extractions which do not contain cocaine or ecgonine;

213 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
214 liquid, solid or powder form which contains the phenanthrene alkaloids of the opium
215 poppy);

216 (2) Any of the following opiates, including their isomers, esters, ethers, salts,
217 and salts of isomers, whenever the existence of these isomers, esters, ethers and salts
218 is possible within the specific chemical designation, dextrorphan and
219 levopropoxyphene excepted:

- 220 (a) Alfentanil;
- 221 (b) Alphaprodine;
- 222 (c) Anileridine;
- 223 (d) Bezitramide;
- 224 (e) Bulk Dextropropoxyphene;
- 225 (f) Carfentanil;
- 226 (g) Butyl nitrite;
- 227 (h) Dihydrocodeine;
- 228 (i) Diphenoxylate;
- 229 (j) Fentanyl;
- 230 (k) Isomethadone;
- 231 (l) Levo-alphacetylmethadol;
- 232 (m) Levomethorphan;
- 233 (n) Levorphanol;
- 234 (o) Metazocine;
- 235 (p) Methadone;
- 236 (q) Meperidine;
- 237 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 238 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 239 1-diphenylpropane--carboxylic acid;
- 240 (t) Pethidine;
- 241 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 242 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 243 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 244 (x) Phenazocine;
- 245 (y) Piminodine;
- 246 (z) Racemethorphan;
- 247 (aa) Racemorphan;
- 248 (bb) Sufentanil;
- 249 (3) Any material, compound, mixture, or preparation which contains any
- 250 quantity of the following substances having a stimulant effect on the central nervous
- 251 system:
- 252 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 253 (b) Methamphetamine, its salts, isomers, and salts of its isomers;

- 254 (c) Phenmetrazine and its salts;
255 (d) Methylphenidate;
- 256 (4) Any material, compound, mixture, or preparation which contains any
257 quantity of the following substances having a depressant effect on the central nervous
258 system, including its salts, isomers, and salts of isomers whenever the existence of
259 those salts, isomers, and salts of isomers is possible within the specific chemical
260 designation:
- 261 (a) Amobarbital;
262 (b) Glutethimide;
263 (c) Pentobarbital;
264 (d) Phencyclidine;
265 (e) Secobarbital;
- 266 (5) Any material, compound or compound which contains any quantity of
267 nabilone;
- 268 (6) Any material, compound, mixture, or preparation which contains any
269 quantity of the following substances:
- 270 (a) Immediate precursor to amphetamine and methamphetamine:
271 Phenylacetone;
- 272 (b) Immediate precursors to phencyclidine (PCP):
273 a. 1-phenylcyclohexylamine;
274 b. 1-piperidinocyclohexanecarbonitrile (PCC).
- 275 5. The department of health and senior services shall place a substance in
276 Schedule III if it finds that:
- 277 (1) The substance has a potential for abuse less than the substances listed in
278 Schedules I and II;
- 279 (2) The substance has currently accepted medical use in treatment in the
280 United States; and
- 281 (3) Abuse of the substance may lead to moderate or low physical dependence
282 or high psychological dependence.
- 283 6. The controlled substances listed in this subsection are included in Schedule
284 III:
- 285 (1) Any material, compound, mixture, or preparation which contains any
286 quantity of the following substances having a potential for abuse associated with a
287 stimulant effect on the central nervous system:

- 288 (a) Benzphetamine;
- 289 (b) Chlorphentermine;
- 290 (c) Clortermine;
- 291 (d) Phendimetrazine;
- 292 (2) Any material, compound, mixture or preparation which contains any
- 293 quantity or salt of the following substances or salts having a depressant effect on the
- 294 central nervous system:
- 295 (a) Any material, compound, mixture or preparation which contains any
- 296 quantity or salt of the following substances combined with one or more active
- 297 medicinal ingredients:
- 298 a. Amobarbital;
- 299 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
- 300 contained in a drug product for which an application has been approved under Section
- 301 505 of the Federal Food, Drug, and Cosmetic Act;
- 302 c. Secobarbital;
- 303 d. Pentobarbital;
- 304 (b) Any suppository dosage form containing any quantity or salt of the
- 305 following:
- 306 a. Amobarbital;
- 307 b. Secobarbital;
- 308 c. Pentobarbital;
- 309 (c) Any substance which contains any quantity of a derivative of barbituric
- 310 acid or its salt;
- 311 (d) Chlorhexadol;
- 312 (e) Ketamine, its salts, isomers, and salts of isomers;
- 313 (f) Lysergic acid;
- 314 (g) Lysergic acid amide;
- 315 (h) Methyprylon;
- 316 (i) Sulfondiethylmethane;
- 317 (j) Sulfonethylmethane;
- 318 (k) Sulfonmethane;
- 319 (l) Tiletamine and zolazepam or any salt thereof;
- 320 (3) Nalorphine;
- 321 (4) Any material, compound, mixture, or preparation containing limited

322 quantities of any of the following narcotic drugs or their salts:

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

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

329 (c) Not more than three hundred milligrams of hydrocodone per one hundred
330 milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or
331 greater quantity of an isoquinoline alkaloid of opium;

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

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

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

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

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

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

351 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
352 pharmacologically related to testosterone (other than estrogens, progestins, and
353 corticosteroids) that promotes muscle growth, except an anabolic steroid which is
354 expressly intended for administration through implants to cattle or other nonhuman
355 species and which has been approved by the Secretary of Health and Human Services

356 for that administration. If any person prescribes, dispenses, or distributes such steroid
357 for human use, such person shall be considered to have prescribed, dispensed, or
358 distributed an anabolic steroid within the meaning of this paragraph. Unless
359 specifically excepted or unless listed in another schedule, any material, compound,
360 mixture or preparation containing any quantity of the following substances, including
361 its salts, isomers and salts of isomers whenever the existence of such salts of isomers
362 is possible within the specific chemical designation:

- 363 (a) [Boldenone;
- 364 (b) Chlorotestosterone (4-Chlortestosterone);
- 365 (c) Clostebol;
- 366 (d) Dehydrochlormethyltestosterone;
- 367 (e) Dihydrotestosterone (4-Dihydro-testosterone);
- 368 (f) Drostanolone;
- 369 (g) Ethylestrenol;
- 370 (h) Fluoxymesterone;
- 371 (i) Formebolone (Formebolone);
- 372 (j) Mesterolone;
- 373 (k) Methandienone;
- 374 (l) Methandranone;
- 375 (m) Methandriol;
- 376 (n) Methandrostenolone;
- 377 (o) Methenolone;
- 378 (p) Methyltestosterone;
- 379 (q) Mibolerone;
- 380 (r) Nandrolone;
- 381 (s) Norethandrolone;
- 382 (t) Oxandrolone;
- 383 (u) Oxymesterone;
- 384 (v) Oxymetholone;
- 385 (w) Stanolone;
- 386 (x) Stanozolol;
- 387 (y) Testolactone;
- 388 (z) Testosterone;
- 389 (aa) Trenbolone;

- 390 (bb)] **3 β ,17-dihydroxy-5 α -androstane;**
391 (b) **3 α ,17 β -dihydroxy-5 α -androstane;**
392 (c) **5 α -androstan-3,17-dione;**
393 (d) **1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);**
394 (e) **1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);**
395 (f) **4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);**
396 (g) **5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);**
397 (h) **1-androstenedione ([5 α]-androst-1-en-3,17-dione);**
398 (i) **4-androstenedione (androst-4-en-3,17-dione);**
399 (j) **5-androstenedione (androst-5-en-3,17-dione);**
400 (k) **Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
401 (l) **Bondenone (17 β -hydroxyandrost-1,4,-diene-3-one);**
402 (m) **Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);**
403 (n) **Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);**
404 (o) **Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-**
405 **androst-1,4-dien-3-one);**
406 (p) **Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -**
407 **androst-1-en-3-one);**
408 (q) **4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);**
409 (r) **Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);**
410 (s) **Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);**
411 (t) **Fluoxymesterone (9-fluoro-17 α -methyl-11 β -17 β -dihydroxyandrost-4-**
412 **en-3-one);**
413 (u) **Formebolone (2-formyl-17 α -methyl-11 β -17 β -dihydroxyandrost-1,4-en-**
414 **3-one);**
415 (v) **Furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);**
416 (w) **13 β -ethyl-17 α -hydroxygon-4-en-3-one;**
417 (x) **4-hydroxytestosterone (4,17 β dihydroxy-androst-4-en-3-one);**
418 (y) **4-hydroxy-19-nortestosterone (4,17 β dihydroxy-estr-4-en-3-one);**
419 (z) **Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);**
420 (aa) **Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);**
421 (bb) **Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);**
422 (cc) **Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);**
423 (dd) **Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);**

- 424 (ee) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
- 425 (ff) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
- 426 (gg) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 427 (hh) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
- 428 hydroxyestr-4-en-3-one);
- 429 (ii) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 430 (jj) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 431 (kk) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 432 (ll) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 433 (mm) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -
- 434 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 435 (nn) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 436 (oo) 19-nor-4-androstenediol (3 β ,17 β -hydroxyestr-4-ene);
- 437 (pp) 19-nor-4-androstenediol (3 α ,17 β -hydroxyestr-4-ene);
- 438 (qq) 19-nor-5-androstenediol (3 β ,17 β -hydroxyestr-5-ene);
- 439 (rr) 19-nor-5-androstenediol (3 α ,17 β -hydroxyestr-5-ene);
- 440 (ss) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 441 (tt) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 442 (uu) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 443 (vv) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 444 (ww) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- 445 (xx) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
- 446 (yy) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- 447 (zz) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 448 (aaa) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
- 449 androstan-3-one);
- 450 (bbb) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-
- 451 pyrazole);
- 452 (ccc) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- 453 (ddd) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
- 454 acid lactone);
- 455 (eee) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- 456 (fff) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-
- 457 3-one);

458 **(ggg) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);**

459 **(hhh)** Any salt, ester, or isomer of a drug or substance described or listed in
460 this subdivision, if that salt, ester or isomer promotes muscle growth except an
461 anabolic steroid which is expressly intended for administration through implants to
462 cattle or other nonhuman species and which has been approved by the Secretary of
463 Health and Human Services for that administration;

464 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
465 capsule in a United States Food and Drug Administration approved drug
466 product. Some other names for dronabinol: (6aR-trans)-6a,7,8,10a-
467 tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d) pyran-1-ol, or (-)-
468 delta-9-(trans)-tetrahydracannabinol);

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

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

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

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

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

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

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

491 (a) Not more than one milligram of difenoxin and not less than twenty-five

492 micrograms of atropine sulfate per dosage unit;

493 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
494 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

501 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
502 milliliters or per one hundred grams;

503 c. Not more than one hundred milligrams of ethylmorphine per one hundred
504 milliliters or per one hundred grams;

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

509 (a) Alprazolam;

510 (b) Barbitol;

511 (c) Bromazepam;

512 (d) Camazepam;

513 (e) Chloral betaine;

514 (f) Chloral hydrate;

515 (g) Chlordiazepoxide;

516 (h) Clobazam;

517 (i) Clonazepam;

518 (j) Clorazepate;

519 (k) Clotiazepam;

520 (l) Cloxazolam;

521 (m) Delorazepam;

522 (n) Diazepam;

523 (o) Dichloralphenazone;

524 (p) Estazolam;

525 (q) Ethchlorvynol;

- 526 (r) Ethinamate;
- 527 (s) Ethyl loflazepate;
- 528 (t) Fludiazepam;
- 529 (u) Flunitrazepam;
- 530 (v) Flurazepam;
- 531 (w) Halazepam;
- 532 (x) Haloxazolam;
- 533 (y) Ketazolam;
- 534 (z) Loprazolam;
- 535 (aa) Lorazepam;
- 536 (bb) Lormetazepam;
- 537 (cc) Mebutamate;
- 538 (dd) Medazepam;
- 539 (ee) Meprobamate;
- 540 (ff) Methohexital;
- 541 (gg) Methylphenobarbital;
- 542 (hh) Midazolam;
- 543 (ii) Nimetazepam;
- 544 (jj) Nitrazepam;
- 545 (kk) Nordiazepam;
- 546 (ll) Oxazepam;
- 547 (mm) Oxazolam;
- 548 (nn) Paraldehyde;
- 549 (oo) Petrichloral;
- 550 (pp) Phenobarbital;
- 551 (qq) Pinazepam;
- 552 (rr) Prazepam;
- 553 (ss) Quazepam;
- 554 (tt) Temazepam;
- 555 (uu) Tetrazepam;
- 556 (vv) Triazolam;
- 557 (ww) Zaleplon;
- 558 (xx) Zolpidem;
- 559 (yy) **Zopiclone, including its salts, isomers, and salts of isomers;**

560 (3) Any material, compound, mixture, or preparation which contains any
561 quantity of the following substance including its salts, isomers and salts of isomers
562 whenever the existence of such salts, isomers and salts of isomers is possible:
563 fenfluramine;

564 (4) Any material, compound, mixture or preparation containing any quantity
565 of the following substances having a stimulant effect on the central nervous system,
566 including their salts, isomers and salts of isomers:

567 (a) Cathine ((+)-norpseudoephedrine);

568 (b) Diethylpropion;

569 (c) Fencamfamin;

570 (d) Fenproporex;

571 (e) Mazindol;

572 (f) Mefenorex;

573 (g) Modafinil;

574 (h) Pemoline, including organometallic complexes and chelates thereof;

575 (i) Phentermine;

576 (j) Pipradrol;

577 (k) Sibutramine;

578 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

579 (5) Any material, compound, mixture or preparation containing any quantity
580 of the following substance, including its salts:

581 (a) butorphanol;

582 (b) pentazocine;

583 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
584 substance is the only active medicinal ingredient;

585 (7) The department of health and senior services may except by rule any
586 compound, mixture, or preparation containing any depressant substance listed in
587 subdivision (1) of this subsection from the application of all or any part of sections
588 195.010 to 195.320 if the compound, mixture, or preparation contains one or more
589 active medicinal ingredients not having a depressant effect on the central nervous
590 system, and if the admixtures are included therein in combinations, quantity,
591 proportion, or concentration that vitiate the potential for abuse of the substances
592 which have a depressant effect on the central nervous system.

593 9. The department of health and senior services shall place a substance in

594 Schedule V if it finds that:

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

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

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

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

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

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

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

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

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

618 (3) Any compound, mixture, or preparation containing any detectable quantity
619 of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any
620 compound, mixture, or preparation containing any detectable quantity of ephedrine
621 or its salts or optical isomers, or salts of optical isomers;

622 **(4) Unless specifically exempted or excluded or unless listed in another**
623 **schedule, any material, compound, mixture, or preparation which contains any**
624 **quantity of the following substances having a depressant effect on the central**
625 **nervous system, including its salts: pregabalin [(S)-3-(aminomethyl)-5-**
626 **methylhexanoic acid)].**

627 11. If any compound, mixture, or preparation as specified in subdivision (3)

628 of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy
629 without a prescription:

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

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

639 (3) The pharmacist or registered pharmacy technician shall require any person
640 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation,
641 who is not known to the pharmacist or registered pharmacy technician, to furnish
642 suitable photo identification [showing] **that is issued by a state or the federal**
643 **government or a document that, with respect to identification, is considered**
644 **acceptable, and which shows** the date of birth of the person.

645 12. Within ninety days of the enactment of this section, pharmacists and
646 registered pharmacy technicians shall implement and maintain a written or electronic
647 log of each transaction. Such log shall include the following information:

648 (1) The name [and], address, **and signature** of the purchaser;

649 (2) The **name of the product and the** amount of the compound, mixture, or
650 preparation purchased;

651 (3) The date **and time** of each purchase; and

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

654 13. **If the drug monitoring program established in sections 195.378 to**
655 **195.399 is fully funded and operational, then pharmacists and registered**
656 **pharmacy technicians shall only be required to maintain a log that complies with**
657 **rules promulgated by the department.**

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

660 [14.] 15. Within thirty days of the enactment of this section, all persons who
661 dispense or offer for sale pseudoephedrine and ephedrine products in a pharmacy shall

662 ensure that all such products are located only behind a pharmacy counter where the
663 public is not permitted.

664 [15.] **16.** Within thirty days of the enactment of this section, any business
665 entity which sells ephedrine or pseudoephedrine products in the course of legitimate
666 business which is in the possession of pseudoephedrine and ephedrine products, and
667 which does not have a state and federal controlled substances registration, shall return
668 these products to a manufacturer or distributor or transfer them to an authorized
669 controlled substances registrant.

670 [16.] **17.** Any person who knowingly or recklessly violates the provisions of
671 subsections 11 to 15 of this section is guilty of a class A misdemeanor.

672 [17.] **18.** The scheduling of substances specified in subdivision (3) of
673 subsection 10 of this section and subsections 11, 12, [14, and] 15, **and 16** of this
674 section shall not apply to any compounds, mixtures, or preparations that are in liquid
675 or liquid-filled gel capsule form or to any compound, mixture, or preparation
676 specified in subdivision (3) of subsection 10 of this section which must be dispensed,
677 sold, or distributed in a pharmacy pursuant to a prescription.

678 [18.] **19.** The manufacturer of a drug product or another interested party may
679 apply with the department of health and senior services for an exemption from this
680 section. The department of health and senior services may grant an exemption by rule
681 from this section if the department finds the drug product is not used in the illegal
682 manufacture of methamphetamine or other controlled or dangerous substances. The
683 department of health and senior services shall rely on reports from law enforcement
684 and law enforcement evidentiary laboratories in determining if the proposed product
685 can be used to manufacture illicit controlled substances.

686 [19.] **20.** The department of health and senior services shall revise and
687 republish the schedules annually.

688 [20.] **21.** The department of health and senior services shall promulgate rules
689 under chapter 536, RSMo, regarding the security and storage of Schedule V controlled
690 substances, as described in subdivision (3) of subsection 10 of this section, for
691 distributors as registered by the department of health and senior services.

195.417. 1. The limits specified in [subsection 2 of] this section shall not
2 apply to any quantity of such product, mixture, or preparation **which must be**
3 **dispensed, sold, or distributed in a pharmacy** pursuant to a valid prescription **or to**
4 **any purchase by an individual of a single sales package if that package contains**

5 **not more than sixty milligrams of pseudoephedrine.**

6 2. Within any thirty-day period, no person shall sell, dispense, or otherwise
7 provide to the same individual, and no person shall purchase, receive, or otherwise
8 acquire more than the following amount: any number of packages of any drug
9 product containing any detectable amount of ephedrine **phenylpropanolamine**, or
10 pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers,
11 either as:

12 (1) The sole active ingredient; or

13 (2) One of the active ingredients of a combination drug; or

14 (3) A combination of any of the products specified in subdivisions (1) and (2)
15 of this subsection;

16 in any total amount greater than nine grams, **without regard to the number of**
17 **transactions.**

18 3. [All] **For mail order sales or sales from a mobile retail vendor, within**
19 **any thirty-day period, no person shall sell, dispense, or otherwise provide to the**
20 **same individual, and no person shall purchase, receive, or otherwise acquire**
21 **more than the following amount: any number of packages of any drug product**
22 **containing any detectable amount of ephedrine, phenylpropanolamine, or**
23 **pseudoephedrine, or any of their salts or optical isomers, or salts of optical**
24 **isomers, either as:**

25 (1) **The sole active ingredient; or**

26 (2) **One of the active ingredients of a combination drug; or**

27 (3) **A combination of any of the products specified in subdivisions (1) and**
28 **(2) of this subsection;**

29 **in any total amount greater than seven and five-tenths grams, without regard to**
30 **the number of transactions.**

31 4. **Within any twenty-four hour period, no person shall sell, dispense, or**
32 **otherwise provide to the same individual, and no person shall purchase, receive,**
33 **or otherwise acquire more than the following amount: any number of packages**
34 **of any drug product containing any detectable amount of ephedrine,**
35 **phenylpropanolamine, or pseudoephedrine, or any of their salts or optical**
36 **isomers, or salts of optical isomers, either as:**

37 (1) **The sole active ingredient; or**

38 (2) **One of the active ingredients of a combination drug; or**

39 **(3) A combination of any of the products specified in subdivisions (1) and**
40 **(2) of this subsection;**
41 **in any total amount greater than three and six-tenths grams without regard to**
42 **the number of transaction.**

43 **5. With the exception of those compounds, mixtures, or preparations**
44 **which must be offered for sale only from behind the counter in a pharmacy, in**
45 **offering the products for sale, persons selling** packages of any compound, mixture,
46 or preparation containing any detectable quantity of ephedrine or pseudoephedrine,
47 or any of their salts or optical isomers, or salts of optical isomers, [except those that
48 are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be
49 offered for sale only from behind a pharmacy counter where the public is not
50 permitted, and only by a registered pharmacist or registered pharmacy technician
51 under section 195.017] **shall place the products such that customers do not have**
52 **direct access to the products before a sale is made. This placement of product**
53 **shall be either behind the counter or in a locked cabinet that is located in an area**
54 **of the facility involved to which customers do not have direct access.**

55 **[4.] 6. The person selling such compound, mixture, or preparation shall**
56 **require any person purchasing, receiving, or otherwise acquiring such compound,**
57 **mixture, or preparation to furnish suitable photo identification showing the date**
58 **of birth of the person.**

59 **7. The person selling such compound, mixture, or preparation shall**
60 **maintain a written or electronic log of each transaction. Such log shall include**
61 **the following information:**

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

63 **(2) The name and product and the amount of the compound, mixture, or**
64 **preparation purchased;**

65 **(3) The date and time of each purchase; and**

66 **(4) The name or initials of the person selling the compound, mixture, or**
67 **preparation to the purchaser.**

68 **8. This section shall supersede and preempt any local ordinances or**
69 **regulations, including any ordinances or regulations enacted by any political**
70 **subdivision of the state. This section shall not apply to any products that the state**
71 **department of health and senior services, upon application of a manufacturer, exempts**
72 **by rule from this section because the product has been formulated in such a way as**

73 to effectively prevent the conversion of the active ingredient into methamphetamine,
74 or its salts or precursors or to the sale of any animal feed products containing
75 ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

76 [5. Persons selling and dispensing substances containing any detectable
77 amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
78 ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain logs,
79 documents, and records as specified in section 195.017. Persons selling only
80 compounds, mixtures, or preparations that are excluded from Schedule V in
81 subsection 17 or 18 of section 195.017 shall not be required to maintain such logs,
82 documents, and records.]

83 9. All logs, records, documents, and electronic information maintained for the
84 dispensing of these products shall be open for inspection and copying by municipal,
85 county, and state or federal law enforcement officers whose duty it is to enforce the
86 controlled substances laws of this state or the United States.

87 [6. Within thirty days of June 15, 2005, all persons who dispense or offer for
88 sale pseudoephedrine and ephedrine products, except those that are excluded from
89 Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such
90 products are located only behind a pharmacy counter where the public is not
91 permitted.]

92 7. Within thirty days of June 15, 2005, any business entity which sells
93 ephedrine or pseudoephedrine products in the course of legitimate business which is
94 in the possession of pseudoephedrine and ephedrine products, except those that are
95 excluded from Schedule V in subsection 17 or 18 of section 195.017, and which does
96 not have a state and federal controlled substances registration, shall return these
97 products to a manufacturer or distributor or transfer them to an authorized controlled
98 substance registrant.

99 8.] 10. Any person who knowingly or recklessly violates this section is guilty
100 of a class A misdemeanor.

101 [9. The provisions of subsection 2 of this section limiting individuals from
102 purchasing the specified amount in any thirty-day period shall not apply to any
103 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule
104 form. However, no person shall purchase, receive, or otherwise acquire more than
105 nine grams of any compound, mixture, or preparation excluded in subsection 17 or 18
106 of section 195.017, in a single purchase as provided in subsection 2 of this section.]

195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited
2 as the "Drug Monitoring Act".

3 2. Notwithstanding the provisions of section 195.010, as used in sections
4 195.378 to 195.399, the following terms mean:

5 (1) "Controlled substance", as defined in section 195.010;

6 (2) "Department", the department of health and senior services;

7 (3) "Dispenser", a person who delivers a schedule II, III, IV, or V
8 controlled substance to the ultimate user, but does not include:

9 (a) A hospital as defined in section 197.020, RSMo, that distributes such
10 substances for the purpose of inpatient hospital care or dispenses prescriptions
11 for controlled substances at the time of discharge from such facility;

12 (b) A practitioner or other authorized person who administers such a
13 substance; or

14 (c) A wholesale distributor of a schedule II, III, IV, or V controlled
15 substance;

16 (4) "Patient", a person or animal who is the ultimate user of a drug for
17 whom a prescription is issued or for whom a drug is dispensed;

18 (5) "Schedule II, III, IV, or V controlled substance", a controlled
19 substance that is listed in schedule II, III, IV, or V of the schedules provided
20 under this chapter or the Federal Controlled Substances Act, 21 U.S.C. Section
21 812.

195.381. 1. Subject to appropriations, the department of health and
2 senior services shall establish and maintain a program for the monitoring of
3 prescribing and dispensing of all schedule II, III, IV, and V controlled substances
4 and any other substances designated by the department by rule by all
5 professionals licensed to prescribe or dispense such substances in this state.

6 2. Each dispenser shall submit to the department by electronic means
7 information regarding each dispensing of a drug included in subsection 1 of this
8 section. The information required by the department to be submitted for each
9 dispensing may include, but not be limited to:

10 (1) The dispenser's United States Drug Enforcement Administration
11 registration number;

12 (2) The date the drug is dispensed;

13 (3) The prescription number, if applicable;

- 14 **(4) Whether the prescription is new or a refill;**
15 **(5) The NDC code for the drug dispensed;**
16 **(6) The number of days' supply of the drug dispensed;**
17 **(7) The quantity dispensed;**
18 **(8) Any identification issued by a state or federal government to the**
19 **patient, or any other acceptable identification as defined by the department by**
20 **rule;**
21 **(9) The patient's name, address, and date of birth;**
22 **(10) The prescriber's United States Drug Enforcement Administration**
23 **registration number, if applicable;**
24 **(11) The date the prescription is issued by the prescriber, if applicable;**
25 **and**
26 **(12) The source of payment for the drug.**

27 **3. Each dispenser shall submit the information in accordance with**
28 **transmission methods and frequency established by the department; except that,**
29 **each dispenser shall report at least every thirty days between the first and**
30 **fifteenth of the month following the drug was dispensed.**

31 **4. The department may issue a waiver to a dispenser that is unable to**
32 **submit dispensing information by electronic means. Such waiver may permit the**
33 **dispenser to submit dispensing information by paper form or other means,**
34 **provided all information required in subsection 2 of this section is submitted in**
35 **such alternative format.**

195.384. 1. Controlled substance, as well as any other substance
2 **designated by the department by rule, dispensing information submitted to the**
3 **department shall be confidential and not subject to public disclosure under**
4 **chapter 610, RSMo, except as provided in subsections 3 to 5 of this section.**

5 **2. The department shall maintain procedures to ensure that the privacy**
6 **and confidentiality of patients and patient information collected, recorded,**
7 **transmitted, and maintained is not disclosed to persons except as provided in**
8 **subsections 3 to 5 of this section.**

9 **3. The department shall review the dispensing information and, if there**
10 **is reasonable cause to believe a violation of law or breach of professional**
11 **standards may have occurred, the department shall notify the appropriate law**
12 **enforcement or professional licensing, certification, or regulatory agency or**

13 **entity, and provide dispensing information required for an investigation.**

14 **4. The department may provide data in the drug monitoring program to**
15 **the following persons:**

16 **(1) Persons authorized to prescribe or dispense controlled substances for**
17 **the purpose of providing medical or pharmaceutical care for their patients;**

18 **(2) An individual who requests his or her own drug monitoring**
19 **information in accordance with state law;**

20 **(3) The state board of pharmacy;**

21 **(4) Any state board charged with regulating a professional that has the**
22 **authority to prescribe controlled substances that requests data related to a**
23 **specific professional under the authority of that board;**

24 **(5) Local, state, and federal law enforcement or prosecutorial officials**
25 **engaged in the administration, investigation, or enforcement of the laws**
26 **governing licit drugs;**

27 **(6) The department of social services regarding Medicaid program**
28 **recipients;**

29 **(7) A judge or other judicial authority under a court order;**

30 **(8) Personnel of the department of health and senior services for the**
31 **administration and enforcement of sections 195.378 to 195.399;**

32 **(9) The department of mental health regarding department program**
33 **recipients receiving medication or medication-related services; and**

34 **(10) Substance abuse treatment programs regarding persons receiving**
35 **evaluation or treatment.**

36 **5. The department may provide data to public or private entities for**
37 **statistical, research, or educational purposes after removing information that**
38 **could be used to identify individual patients or persons who received**
39 **prescriptions from dispensers.**

40 **6. Nothing in sections 195.378 to 195.399 shall require or obligate a**
41 **dispenser or prescriber to access or check the information in the drug monitoring**
42 **program prior to dispensing, prescribing, or administering medications or as part**
43 **of their professional practice. Dispensers and prescribers shall not be liable to**
44 **any person for any claim of damages as a result of accessing or failing to access**
45 **the information in the drug monitoring program and no lawsuit may be**
46 **predicated thereon. Nothing in this subsection shall be construed to relieve a**

47 dispenser or prescriber from any duty to monitor and report the sales of certain
48 products under sections 195.017, 195.417, and 195.378 to 195.399.

195.387. The department is authorized to contract with any other agency
2 of this state or with a private vendor, as necessary, to ensure the effective
3 operation of the drug monitoring program. Any contractor shall comply with the
4 provisions regarding confidentiality of drug information in section 195.384. Any
5 contractor who knowingly discloses drug monitoring information other than as
6 provided in sections 195.378 to 195.399 or who uses such information in a manner
7 and for a purpose in violation of sections 195.378 to 195.399 is guilty of a class
8 A misdemeanor.

195.390. The department shall promulgate rules setting forth the
2 procedures and methods of implementing sections 195.378 to 195.399 which shall
3 be consistent with federal regulations, if applicable. Any rule or portion of a
4 rule, as that term is defined in section 536.010, RSMo, that is created under the
5 authority delegated in this section shall become effective only if it complies with
6 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
7 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
8 and if any of the powers vested with the general assembly pursuant to chapter
9 536, RSMo, to review, to delay the effective date, or to disapprove and annul a
10 rule are subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2007, shall be
12 invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug monitoring
2 information to the department as required in sections 195.378 to 195.399 or
3 knowingly submits the incorrect prescription information is guilty of a class A
4 misdemeanor.

5 2. A person authorized to have drug monitoring information under
6 sections 195.378 to 195.399 who knowingly discloses such information in violation
7 of sections 195.378 to 195.399 or who uses such information in a manner and for
8 a purpose in violation of sections 195.378 to 195.399 is guilty of a class A
9 misdemeanor.

195.396. 1. The department shall implement the following education
2 courses:

3 (1) An orientation course during the implementation phase of the drug

4 **monitoring program established in section 195.381;**

5 **(2) A course for persons who are authorized to access the drug**
6 **monitoring information but who did not participate in the orientation course;**

7 **(3) A course for persons who are authorized to access the drug**
8 **monitoring information but who have violated laws or breached occupational**
9 **standards involving dispensing, prescribing, and use of substances monitored by**
10 **the drug monitoring program established in section 195.381;**

11 **When appropriate, the department shall develop the content of the education**
12 **courses described in subdivisions (1) to (3) of this subsection.**

13 **2. The department shall, when appropriate:**

14 **(1) Work with associations for impaired professionals to ensure**
15 **intervention, treatment, and ongoing monitoring and followup; and**

16 **(2) Encourage individual patients who are identified and who have**
17 **become addicted to substances monitored by the drug monitoring program**
18 **established in section 195.381 to receive addiction treatment. The department of**
19 **health and senior services shall consult and coordinate with the department of**
20 **mental health in developing and implementing patient intervention and referrals.**

195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

2 **(1) The provisions of the new program authorized under sections 195.378**
3 **to 195.399 shall automatically sunset six years after the effective date of sections**
4 **195.378 to 195.399 unless reauthorized by an act of the general assembly; and**

5 **(2) If such program is reauthorized, the program authorized under**
6 **sections 195.378 to 195.399 shall automatically sunset six years after the effective**
7 **date of the reauthorization of sections 195.378 to 195.399; and**

8 **(3) Sections 195.378 to 195.399 shall terminate on September first of the**
9 **calendar year immediately following the calendar year in which the program**
10 **authorized under sections 195.378 to 195.399 is sunset.**

Section B. Section A of this act shall become effective January 1, 2008.

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