

SECOND REGULAR SESSION

HOUSE BILL NO. 2207

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

4750H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 569.040 and 579.055, RSMo, and to enact in lieu thereof two new sections relating to offenses involving the production of a controlled substance, with penalty provisions.

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

Section A. Sections 569.040 and 579.055, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 569.040 and 579.055, to read as follows:

569.040. 1. A person commits the offense of arson in the first degree if he or she:
2 (1) Knowingly damages a building or inhabitable structure, and when any person is
3 then present or in near proximity thereto, by starting a fire or causing an explosion and
4 thereby recklessly places such person in danger of death or serious physical injury; or

5 (2) By starting a fire or explosion, damages a building or inhabitable structure in an
6 attempt to produce methamphetamine **or any controlled substance**.

7 2. The offense of arson in the first degree is a class B felony unless a person has
8 suffered serious physical injury or has died as a result of the fire or explosion set by the
9 person or as a result of a fire or explosion started in an attempt by the person to produce
10 methamphetamine **or any controlled substance**, in which case arson in the first degree is a
11 class A felony.

12 3. As used in this section, "any controlled substance" shall not include the
13 manufacturing of medicinal marijuana or synthetic cannabinoids by licensed facilities
14 under Missouri law if the facilities may otherwise be considered manufacturers of a
15 controlled substance under federal law.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

579.055. 1. A person commits the offense of manufacture of a controlled substance
2 if, except as authorized in this chapter or chapter 195, he or she:

- 3 (1) Knowingly manufactures, produces, or grows a controlled substance;
- 4 (2) Attempts to manufacture, produce, or grow a controlled substance; or
- 5 (3) Knowingly possesses a controlled substance with the intent to manufacture,
6 produce, or grow any amount of controlled substance.

7 2. The offense of manufacturing or attempting to manufacture any amount of
8 controlled substance is a class B felony when committed within two thousand feet of the real
9 property comprising a public or private elementary, vocational, or secondary school,
10 community college, college, or university. It is a class A felony if a person has suffered
11 serious physical injury or has died as a result of a fire or explosion started in an attempt by the
12 defendant to produce methamphetamine **or any controlled substance**.

13 3. The offense of manufacturing or attempting to manufacture any amount of a
14 controlled substance, except thirty-five grams or less of marijuana or synthetic cannabinoid,
15 is a class C felony.

16 4. The offense of manufacturing thirty-five grams or less of marijuana or synthetic
17 cannabinoid is a class E felony.

18 **5. The offense of manufacture of a controlled substance shall not include the**
19 **manufacturing of medicinal marijuana or synthetic cannabinoids by licensed facilities**
20 **under Missouri law if the facilities may otherwise be considered manufacturers of a**
21 **controlled substance under federal law.**

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