

FIRST REGULAR SESSION

SENATE BILL NO. 9

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0050S.011

AN ACT

To repeal sections 195.010, 195.017, and 263.250, RSMo, and to enact in lieu thereof eight new sections relating to industrial hemp, with penalty provisions.

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

Section A. Sections 195.010, 195.017, and 263.250, RSMo, are repealed
2 and eight new sections enacted in lieu thereof, to be known as sections 195.010,
3 195.017, 195.203, 195.600, 195.603, 195.606, 195.609, and 263.250, to read as
4 follows:

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

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

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

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

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

15 (3) "Agent", an authorized person who acts on behalf of or at the direction
16 of a manufacturer, distributor, or dispenser. The term does not include a common
17 or contract carrier, public warehouseman, or employee of the carrier or

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

18 warehouseman while acting in the usual and lawful course of the carrier's or
19 warehouseman's business;

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

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

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

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

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

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

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

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

54 state;

55 (10) "Depressant or stimulant substance":

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

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

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

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

66 (c) Lysergic acid diethylamide; or

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

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

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

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

79 (14) "Drug":

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

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

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

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

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

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

98 (17) "Drug paraphernalia", all equipment, products, substances and
99 materials of any kind which are used, intended for use, or designed for use, in
100 planting, propagating, cultivating, growing, harvesting, manufacturing,
101 compounding, converting, producing, processing, preparing, storing, containing,
102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
103 body a controlled substance or an imitation controlled substance in violation of
104 this chapter or chapter 579. It includes, but is not limited to:

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

108 (b) Kits used, intended for use, or designed for use in manufacturing,
109 compounding, converting, producing, processing, or preparing controlled
110 substances or imitation controlled substances;

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

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

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

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

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

125 (h) Blenders, bowls, containers, spoons and mixing devices used, intended

126 for use, or designed for use in compounding controlled substances or imitation
127 controlled substances;

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

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

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

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

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

141 b. Water pipes;

142 c. Carburetion tubes and devices;

143 d. Smoking and carburetion masks;

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

147 f. Miniature cocaine spoons and cocaine vials;

148 g. Chamber pipes;

149 h. Carburetor pipes;

150 i. Electric pipes;

151 j. Air-driven pipes;

152 k. Chillums;

153 l. Bongs;

154 m. Ice pipes or chillers;

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

157 In determining whether an object, product, substance or material is drug
158 paraphernalia, a court or other authority should consider, in addition to all other
159 logically relevant factors, the following:

160 a. Statements by an owner or by anyone in control of the object concerning
161 its use;

- 162 b. Prior convictions, if any, of an owner, or of anyone in control of the
163 object, under any state or federal law relating to any controlled substance or
164 imitation controlled substance;
- 165 c. The proximity of the object, in time and space, to a direct violation of
166 this chapter or chapter 579;
- 167 d. The proximity of the object to controlled substances or imitation
168 controlled substances;
- 169 e. The existence of any residue of controlled substances or imitation
170 controlled substances on the object;
- 171 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
172 in control of the object, to deliver it to persons who he or she knows, or should
173 reasonably know, intend to use the object to facilitate a violation of this chapter
174 or chapter 579; the innocence of an owner, or of anyone in control of the object,
175 as to direct violation of this chapter or chapter 579 shall not prevent a finding
176 that the object is intended for use, or designed for use as drug paraphernalia;
- 177 g. Instructions, oral or written, provided with the object concerning its
178 use;
- 179 h. Descriptive materials accompanying the object which explain or depict
180 its use;
- 181 i. National or local advertising concerning its use;
- 182 j. The manner in which the object is displayed for sale;
- 183 k. Whether the owner, or anyone in control of the object, is a legitimate
184 supplier of like or related items to the community, such as a licensed distributor
185 or dealer of tobacco products;
- 186 l. Direct or circumstantial evidence of the ratio of sales of the object to the
187 total sales of the business enterprise;
- 188 m. The existence and scope of legitimate uses for the object in the
189 community;
- 190 n. Expert testimony concerning its use;
- 191 o. The quantity, form or packaging of the product, substance or material
192 in relation to the quantity, form or packaging associated with any legitimate use
193 for the product, substance or material;
- 194 (18) "Federal narcotic laws", the laws of the United States relating to
195 controlled substances;
- 196 (19) "Hospital", a place devoted primarily to the maintenance and
197 operation of facilities for the diagnosis, treatment or care, for not less than

198 twenty-four hours in any week, of three or more nonrelated individuals suffering
199 from illness, disease, injury, deformity or other abnormal physical conditions; or
200 a place devoted primarily to provide, for not less than twenty-four consecutive
201 hours in any week, medical or nursing care for three or more nonrelated
202 individuals. The term "hospital" does not include convalescent, nursing, shelter
203 or boarding homes as defined in chapter 198;

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

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

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

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

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

218 (a) Whether the substance was approved by the federal Food and Drug
219 Administration for over-the-counter (nonprescription or nonlegend) sales and was
220 sold in the federal Food and Drug Administration approved package, with the
221 federal Food and Drug Administration approved labeling information;

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

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

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

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

229 (f) Whether the consideration tendered in exchange for the noncontrolled
230 substance substantially exceeds the reasonable value of the substance considering
231 the actual chemical composition of the substance and, where applicable, the price
232 at which over-the-counter substances of like chemical composition sell. An
233 imitation controlled substance does not include a placebo or registered

234 investigational drug either of which was manufactured, distributed, possessed or
235 delivered in the ordinary course of professional practice or research;

236 (22) **"Industrial hemp":**

237 (a) **All nonseed parts and varieties of the cannabis sativa plant,**
238 **growing or not, that contain a cropwide average tetrahydrocannabinol**
239 **(THC) concentration that does not exceed three-tenths of one percent**
240 **on a dry weight basis; or**

241 (b) **Any cannabis sativa seed that is part of a growing crop,**
242 **retained by a grower for future planting, or used for processing into or**
243 **use as agricultural hemp seed.**

244 **Industrial hemp does not include industrial hemp commodities and**
245 **products;**

246 (23) "Laboratory", a laboratory approved by the department of health and
247 senior services as proper to be entrusted with the custody of controlled substances
248 but does not include a pharmacist who compounds controlled substances to be
249 sold or dispensed on prescriptions;

250 [(23)] (24) "Manufacture", the production, preparation, propagation,
251 compounding or processing of drug paraphernalia or of a controlled substance, or
252 an imitation controlled substance, either directly or by extraction from substances
253 of natural origin, or independently by means of chemical synthesis, or by a
254 combination of extraction and chemical synthesis, and includes any packaging or
255 repackaging of the substance or labeling or relabeling of its container. This term
256 does not include the preparation or compounding of a controlled substance or an
257 imitation controlled substance or the preparation, compounding, packaging or
258 labeling of a narcotic or dangerous drug:

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

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

265 [(24)] (25) "Marijuana", all parts of the plant genus Cannabis in any
266 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
267 **industrial hemp as defined in this section,** Cannabis Indica, Cannabis
268 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
269 the seeds thereof, the resin extracted from any part of the plant; and every

270 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
271 seeds or resin. It does not include the mature stalks of the plant, fiber produced
272 from the stalks, oil or cake made from the seeds of the plant, any other
273 compound, manufacture, salt, derivative, mixture or preparation of the mature
274 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
275 seed of the plant which is incapable of germination;

276 [(25)] (26) "Methamphetamine precursor drug", any drug containing
277 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
278 isomers, or salts of optical isomers;

279 [(26)] (27) "Narcotic drug", any of the following, whether produced
280 directly or indirectly by extraction from substances of vegetable origin, or
281 independently by means of chemical synthesis, or by a combination of extraction
282 and chemical analysis:

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

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

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

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

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

294 [(27)] (28) "Official written order", an order written on a form provided
295 for that purpose by the United States Commissioner of Narcotics, under any laws
296 of the United States making provision therefor, if such order forms are authorized
297 and required by federal law, and if no such order form is provided, then on an
298 official form provided for that purpose by the department of health and senior
299 services;

300 [(28)] (29) "Opiate", any substance having an addiction-forming or
301 addiction-sustaining liability similar to morphine or being capable of conversion
302 into a drug having addiction-forming or addiction-sustaining liability. The term
303 includes its racemic and levorotatory forms. It does not include, unless
304 specifically controlled under section 195.017, the dextrorotatory isomer of
305 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

306 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
307 L., except its seeds;

308 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
309 chapter 144 of a drug other than a controlled substance;

310 [(31)] **(32)** "Person", an individual, corporation, government or
311 governmental subdivision or agency, business trust, estate, trust, partnership,
312 joint venture, association, or any other legal or commercial entity;

313 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
314 this state, and where the context so requires, the owner of a store or other place
315 of business where controlled substances are compounded or dispensed by a
316 licensed pharmacist; but nothing in this chapter shall be construed as conferring
317 on a person who is not registered nor licensed as a pharmacist any authority,
318 right or privilege that is not granted to him by the pharmacy laws of this state;

319 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
320 after mowing;

321 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
322 with the knowledge of the presence and nature of a substance, has actual or
323 constructive possession of the substance. A person has actual possession if he has
324 the substance on his or her person or within easy reach and convenient control.
325 A person who, although not in actual possession, has the power and the intention
326 at a given time to exercise dominion or control over the substance either directly
327 or through another person or persons is in constructive possession of
328 it. Possession may also be sole or joint. If one person alone has possession of a
329 substance possession is sole. If two or more persons share possession of a
330 substance, possession is joint;

331 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
332 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
333 registered or otherwise permitted by this state to distribute, dispense, conduct
334 research with respect to or administer or to use in teaching or chemical analysis,
335 a controlled substance in the course of professional practice or research in this
336 state, or a pharmacy, hospital or other institution licensed, registered, or
337 otherwise permitted to distribute, dispense, conduct research with respect to or
338 administer a controlled substance in the course of professional practice or
339 research;

340 [(36)] **(37)** "Production", includes the manufacture, planting, cultivation,
341 growing, or harvesting of drug paraphernalia or of a controlled substance or an

342 imitation controlled substance;

343 [(37)] (38) "Registry number", the number assigned to each person
344 registered under the federal controlled substances laws;

345 [(38)] (39) "Sale", includes barter, exchange, or gift, or offer therefor, and
346 each such transaction made by any person, whether as principal, proprietor,
347 agent, servant or employee;

348 [(39)] (40) "State" when applied to a part of the United States, includes
349 any state, district, commonwealth, territory, insular possession thereof, and any
350 area subject to the legal authority of the United States of America;

351 [(40)] (41) "Synthetic cannabinoid", includes unless specifically excepted
352 or unless listed in another schedule, any natural or synthetic material, compound,
353 mixture, or preparation that contains any quantity of a substance that is a
354 cannabinoid receptor agonist, including but not limited to any substance listed
355 in paragraph (ll) of subdivision (4) of subsection 2 of section 195.017 and any
356 analogues; homologues; isomers, whether optical, positional, or geometric; esters;
357 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
358 the isomers, esters, ethers, or salts is possible within the specific chemical
359 designation, however, it shall not include any approved pharmaceutical
360 authorized by the United States Food and Drug Administration;

361 [(41)] (42) "Ultimate user", a person who lawfully possesses a controlled
362 substance or an imitation controlled substance for his or her own use or for the
363 use of a member of his or her household or immediate family, regardless of
364 whether they live in the same household, or for administering to an animal owned
365 by him or by a member of his or her household. For purposes of this section, the
366 phrase "immediate family" means a husband, wife, parent, child, sibling,
367 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

368 [(42)] (43) "Wholesaler", a person who supplies drug paraphernalia or
369 controlled substances or imitation controlled substances that he himself has not
370 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
5 lacks 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,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific 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) Levophenacylmorphane;
- 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
- 69 of isomers unless specifically excepted, whenever the existence of these salts,
- 70 isomers 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) Hydromorphenol;
83 (m) Methyldesorphine;
84 (n) Methyldihydromorphine;
85 (o) Morphine methylbromide;
86 (p) Morphine methylsulfonate;
87 (q) Morphine-N-Oxide;
88 (r) 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
96 of isomers, unless specifically excepted, whenever the existence of these salts,
97 isomers, and salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
100 (c) 2,5-dimethoxyamphetamine;
101 (d) 2,5-dimethoxy-4-ethylamphetamine;
102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
103 (f) 4-methoxyamphetamine;
104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
106 (i) 3,4-methylenedioxyamphetamine;
107 (j) 3,4-methylenedioxymethamphetamine;
108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
110 (m) 3,4,5-trimethoxyamphetamine;
111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
113 (o) Alpha-ethyltryptamine;
114 (p) Alpha-methyltryptamine;
115 (q) Bufotenine;

- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp as defined in**
122 **section 195.010;**
- 123 (x) Mescaline;
- 124 (y) Parahexyl;
- 125 (z) Peyote, to include all parts of the plant presently classified botanically
126 as Lophophora Williamsil Lemaire, whether growing or not; the seeds thereof; any
127 extract from any part of such plant; and every compound, manufacture, salt,
128 derivative, mixture or preparation of the plant, its seed or extracts;
- 129 (aa) N-ethyl-3-piperidyl benzilate;
- 130 (bb) N-methyl-3-piperidyl benzilate;
- 131 (cc) Psilocybin;
- 132 (dd) Psilocyn;
- 133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
134 Cannabis (cannabis plant), **except industrial hemp as defined in section**
135 **195.010**, as well as synthetic equivalents of the substances contained in the
136 cannabis plant, or in the resinous extractives of such plant, or synthetic
137 substances, derivatives, and their isomers with similar chemical structure and
138 pharmacological activity to those substances contained in the plant, such as the
139 following:
- 140 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 143 d. Any compounds of these structures, regardless of numerical designation
144 of atomic positions covered;
- 145 (ff) Ethylamine analog of phencyclidine;
- 146 (gg) Pyrrolidine analog of phencyclidine;
- 147 (hh) Thiophene analog of phencyclidine;
- 148 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 149 (jj) Salvia divinorum;
- 150 (kk) Salvinorin A;
- 151 (ll) Synthetic cannabinoids;

152 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
153 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
154 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
155 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
156 further substituted in the indole ring to any extent, whether or not substituted
157 in the naphthyl ring to any extent. Including, but not limited to:

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

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

175 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
176 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
177 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
178 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
179 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

180 d. Any compound structurally derived from 3-phenylacetylindole by
181 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
182 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
184 ring to any extent, whether or not substituted in the phenyl ring to any
185 extent. Including, but not limited to:

- 186 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 187 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

- 188 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 189 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 190 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;
- 191 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
- 192 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
- 193 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 194 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
- 195 to any extent. Including, but not limited to:
- 196 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-
- 197 methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain
- 198 n-4,6, or 7;
- 199 f. Any compound containing a 3-(benzoyl)indole structure with
- 200 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
- 201 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 202 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
- 203 ring to any extent and whether or not substituted in the phenyl ring to any
- 204 extent. Including, but not limited to:
- 205 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
- 206 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
- 207 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
- 208 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 209 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 210 -6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;
- 211 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl) -6,6-dimethyl-3
- 212 -(2-methyloctan-2-yl) -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 213 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
- 214 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 215 k. Dimethylheptylpyran, or DMHP;
- 216 (5) Any material, compound, mixture or preparation containing any
- 217 quantity of the following substances having a depressant effect on the central
- 218 nervous system, including their salts, isomers and salts of isomers whenever the
- 219 existence of these salts, isomers and salts of isomers is possible within the
- 220 specific chemical designation:
- 221 (a) Gamma-hydroxybutyric acid;
- 222 (b) Mecloqualone;
- 223 (c) Methaqualone;

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

- 227 (a) Aminorex;
- 228 (b) N-benzylpiperazine;
- 229 (c) Cathinone;
- 230 (d) Fenethylamine;
- 231 (e) 3-Fluoromethcathinone;
- 232 (f) 4-Fluoromethcathinone;
- 233 (g) Mephedrone, or 4-methylmethcathinone;
- 234 (h) Methcathinone;
- 235 (i) 4-methoxymethcathinone;
- 236 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl
237 -2-oxazolamine);
- 238 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-yl)-
239 2-(1-pyrrolidinyl)-1-pentanone);
- 240 (l) Methylenedioxypropylamphetamine;
- 241 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
- 242 (n) N-ethylamphetamine;
- 243 (o) N,N-dimethylamphetamine;

244 (7) A temporary listing of substances subject to emergency scheduling
245 under federal law shall include any material, compound, mixture or preparation
246 which contains any quantity of the following substances:

- 247 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its
248 optical isomers, salts and salts of isomers;
- 249 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
250 (thienylfentanyl), its optical isomers, salts and salts of isomers;

251 (8) Khat, to include all parts of the plant presently classified botanically
252 as *catha edulis*, whether growing or not; the seeds thereof; any extract from any
253 part of such plant; and every compound, manufacture, salt, derivative, mixture,
254 or preparation of the plant, its seed or extracts.

255 3. The department of health and senior services shall place a substance
256 in Schedule II if it finds that:

- 257 (1) The substance has high potential for abuse;
- 258 (2) The substance has currently accepted medical use in treatment in the
259 United States, or currently accepted medical use with severe restrictions; and

260 (3) The abuse of the substance may lead to severe psychic or physical
261 dependence.

262 4. The controlled substances listed in this subsection are included in
263 Schedule II:

264 (1) Any of the following substances whether produced directly or indirectly
265 by extraction from substances of vegetable origin, or independently by means of
266 chemical synthesis, or by combination of extraction and chemical synthesis:

267 (a) Opium and opiate and any salt, compound, derivative or preparation
268 of opium or opiate, excluding apomorphine, thebaine-derived butorphanol,
269 dextrorphan, nalbuphine, nalmefene, naloxone and naltrexone, and their
270 respective salts but including the following:

- 271 a. Raw opium;
- 272 b. Opium extracts;
- 273 c. Opium fluid;
- 274 d. Powdered opium;
- 275 e. Granulated opium;
- 276 f. Tincture of opium;
- 277 g. Codeine;
- 278 h. Ethylmorphine;
- 279 i. Etorphine hydrochloride;
- 280 j. Hydrocodone;
- 281 k. Hydromorphone;
- 282 l. Metopon;
- 283 m. Morphine;
- 284 n. Oxycodone;
- 285 o. Oxymorphone;
- 286 p. Thebaine;

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

290 (c) Opium poppy and poppy straw;

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

295 (e) Concentrate of poppy straw (the crude extract of poppy straw in either

296 liquid, solid or powder form which contains the phenanthrene alkaloids of the
297 opium poppy);

298 (2) Any of the following opiates, including their isomers, esters, ethers,
299 salts, and salts of isomers, whenever the existence of these isomers, esters, ethers
300 and salts is possible within the specific chemical designation, dextrorphan and
301 levopropoxyphene excepted:

- 302 (a) Alfentanil;
- 303 (b) Alphaprodine;
- 304 (c) Anileridine;
- 305 (d) Bezitramide;
- 306 (e) Bulk dextropropoxyphene;
- 307 (f) Carfentanil;
- 308 (g) Dihydrocodeine;
- 309 (h) Diphenoxylate;
- 310 (i) Fentanyl;
- 311 (j) Isomethadone;
- 312 (k) Levo-alphaacetylmethadol;
- 313 (l) Levomethorphan;
- 314 (m) Levorphanol;
- 315 (n) Metazocine;
- 316 (o) Methadone;
- 317 (p) Meperidine;
- 318 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
319 4-diphenylbutane;
- 320 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
321 1-diphenylpropane—carboxylic acid;
- 322 (s) Pethidine (meperidine);
- 323 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 324 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 325 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic
326 acid;
- 327 (w) Phenazocine;
- 328 (x) Piminodine;
- 329 (y) Racemethorphan;
- 330 (z) Racemorphan;
- 331 (aa) Remifentanil;

- 332 (bb) Sufentanil;
- 333 (cc) Tapentadol;
- 334 (3) Any material, compound, mixture, or preparation which contains any
- 335 quantity of the following substances having a stimulant effect on the central
- 336 nervous system:
- 337 (a) Amphetamine, its salts, optical isomers, and salts of its optical
- 338 isomers;
- 339 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 340 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
- 341 (d) Phenmetrazine and its salts;
- 342 (e) Methylphenidate;
- 343 (4) Any material, compound, mixture, or preparation which contains any
- 344 quantity of the following substances having a depressant effect on the central
- 345 nervous system, including its salts, isomers, and salts of isomers whenever the
- 346 existence of those salts, isomers, and salts of isomers is possible within the
- 347 specific chemical designation:
- 348 (a) Amobarbital;
- 349 (b) Glutethimide;
- 350 (c) Pentobarbital;
- 351 (d) Phencyclidine;
- 352 (e) Secobarbital;
- 353 (5) Any material or compound which contains any quantity of nabilone;
- 354 (6) Any material, compound, mixture, or preparation which contains any
- 355 quantity of the following substances:
- 356 (a) Immediate precursor to amphetamine and methamphetamine:
- 357 Phenylacetone;
- 358 (b) Immediate precursors to phencyclidine (PCP):
- 359 a. 1-phenylcyclohexylamine;
- 360 b. 1-piperidinocyclohexanecarbonitrile (PCC);
- 361 (7) Any material, compound, mixture, or preparation which contains any
- 362 quantity of the following alkyl nitrites:
- 363 (a) Amyl nitrite;
- 364 (b) Butyl nitrite.
- 365 5. The department of health and senior services shall place a substance
- 366 in Schedule III if it finds that:
- 367 (1) The substance has a potential for abuse less than the substances listed

368 in Schedules I and II;

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

371 (3) Abuse of the substance may lead to moderate or low physical
372 dependence or high psychological dependence.

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

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

378 (a) Benzphetamine;

379 (b) Chlorphentermine;

380 (c) Clortermine;

381 (d) Phendimetrazine;

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

385 (a) Any material, compound, mixture or preparation which contains any
386 quantity or salt of the following substances combined with one or more active
387 medicinal ingredients:

388 a. Amobarbital;

389 b. Secobarbital;

390 c. Pentobarbital;

391 (b) Any suppository dosage form containing any quantity or salt of the
392 following:

393 a. Amobarbital;

394 b. Secobarbital;

395 c. Pentobarbital;

396 (c) Any substance which contains any quantity of a derivative of
397 barbituric acid or its salt;

398 (d) Chlorhexadol;

399 (e) Embutramide;

400 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
401 contained in a drug product for which an application has been approved under
402 Section 505 of the federal Food, Drug, and Cosmetic Act;

403 (g) Ketamine, its salts, isomers, and salts of isomers;

- 404 (h) Lysergic acid;
- 405 (i) Lysergic acid amide;
- 406 (j) Methyprylon;
- 407 (k) Sulfondiethylmethane;
- 408 (l) Sulfonethylmethane;
- 409 (m) Sulfonmethane;
- 410 (n) Tiletamine and zolazepam or any salt thereof;
- 411 (3) Nalorphine;
- 412 (4) Any material, compound, mixture, or preparation containing limited
- 413 quantities of any of the following narcotic drugs or their salts:
- 414 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 415 more than ninety milligrams per dosage unit, with an equal or greater quantity
- 416 of an isoquinoline alkaloid of opium;
- 417 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not
- 418 more than ninety milligrams per dosage unit with one or more active, nonnarcotic
- 419 ingredients in recognized therapeutic amounts;
- 420 (c) Not more than three hundred milligrams of hydrocodone per one
- 421 hundred milliliters or not more than fifteen milligrams per dosage unit, with a
- 422 fourfold or greater quantity of an isoquinoline alkaloid of opium;
- 423 (d) Not more than three hundred milligrams of hydrocodone per one
- 424 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
- 425 or more active nonnarcotic ingredients in recognized therapeutic amounts;
- 426 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters
- 427 or not more than ninety milligrams per dosage unit, with one or more active
- 428 nonnarcotic ingredients in recognized therapeutic amounts;
- 429 (f) Not more than three hundred milligrams of ethylmorphine per one
- 430 hundred milliliters or not more than fifteen milligrams per dosage unit, with one
- 431 or more active, nonnarcotic ingredients in recognized therapeutic amounts;
- 432 (g) Not more than five hundred milligrams of opium per one hundred
- 433 milliliters or per one hundred grams or not more than twenty-five milligrams per
- 434 dosage unit, with one or more active nonnarcotic ingredients in recognized
- 435 therapeutic amounts;
- 436 (h) Not more than fifty milligrams of morphine per one hundred milliliters
- 437 or per one hundred grams, with one or more active, nonnarcotic ingredients in
- 438 recognized therapeutic amounts;
- 439 (5) Any material, compound, mixture, or preparation containing any of the

440 following narcotic drugs or their salts, as set forth in subdivision (6) of this
441 subsection; buprenorphine;

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

- 454 (a) 3 β ,17-dihydroxy-5 α -androstane;
455 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
456 (c) 5 α -androstan-3,17-dione;
457 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
458 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
459 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
460 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
461 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
462 (i) 4-androstenedione (androst-4-en-3,17-dione);
463 (j) 5-androstenedione (androst-5-en-3,17-dione);
464 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
465 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
466 (m) Boldione;
467 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
468 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
469 (p) Dehydrochloromethyltestosterone(4-chloro-17 β -hydroxy -17 α -methyl
470 -androst-1,4-dien-3-one);
471 (q) Desoxymethyltestosterone;
472 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-
473 1-en-3-one);
474 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
475 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);

- 476 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 477 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 478 -3-one);
- 479 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 480 -3-one);
- 481 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- 482 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 483 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 484 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 485 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 486 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 487 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 488 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 489 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 490 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
- 491 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
- 492 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 493 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);
- 494 -4-en-3-one);
- 495 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 496 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 497 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 498 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 499 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 500 androst-1-en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 501 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 502 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 503 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- 504 (ss) 19-nor-4,9(10)-androstadienedione;
- 505 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 506 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
- 507 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- 508 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 509 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- 510 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- 511 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);

- 512 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
513 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
514 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
515 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-
516 17 β -hydroxy-[5 α]-androstan-3-one);
517 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-
518 pyrazole);
519 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
520 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic
521 acid lactone);
522 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
523 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien
524 -3-one);
525 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
526 (kkk) Any salt, ester, or ether of a drug or substance described or listed
527 in this subdivision, except an anabolic steroid which is expressly intended for
528 administration through implants to cattle or other nonhuman species and which
529 has been approved by the Secretary of Health and Human Services for that
530 administration;
- 531 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
532 capsule in a United States Food and Drug Administration approved drug product;
- 533 (8) The department of health and senior services may except by rule any
534 compound, mixture, or preparation containing any stimulant or depressant
535 substance listed in subdivisions (1) and (2) of this subsection from the application
536 of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
537 preparation contains one or more active medicinal ingredients not having a
538 stimulant or depressant effect on the central nervous system, and if the
539 admixtures are included therein in combinations, quantity, proportion, or
540 concentration that vitiate the potential for abuse of the substances which have
541 a stimulant or depressant effect on the central nervous system.
- 542 7. The department of health and senior services shall place a substance
543 in Schedule IV if it finds that:
- 544 (1) The substance has a low potential for abuse relative to substances in
545 Schedule III;
- 546 (2) The substance has currently accepted medical use in treatment in the
547 United States; and

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

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

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

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

557 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
558 2-diphenyl-3-methyl-2-propionoxybutane);

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

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

566 b. Not more than one hundred milligrams of dihydrocodeine per one
567 hundred milliliters or per one hundred grams;

568 c. Not more than one hundred milligrams of ethylmorphine per one
569 hundred milliliters or per one hundred grams;

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

574 (a) Alprazolam;

575 (b) Barbitol;

576 (c) Bromazepam;

577 (d) Camazepam;

578 (e) Chloral betaine;

579 (f) Chloral hydrate;

580 (g) Chlordiazepoxide;

581 (h) Clobazam;

582 (i) Clonazepam;

583 (j) Clorazepate;

- 584 (k) Clotiazepam;
- 585 (l) Cloxazolam;
- 586 (m) Delorazepam;
- 587 (n) Diazepam;
- 588 (o) Dichloralphenazone;
- 589 (p) Estazolam;
- 590 (q) Ethchlorvynol;
- 591 (r) Ethinamate;
- 592 (s) Ethyl loflazepate;
- 593 (t) Fludiazepam;
- 594 (u) Flunitrazepam;
- 595 (v) Flurazepam;
- 596 (w) Fospropofol;
- 597 (x) Halazepam;
- 598 (y) Haloxazolam;
- 599 (z) Ketazolam;
- 600 (aa) Loprazolam;
- 601 (bb) Lorazepam;
- 602 (cc) Lormetazepam;
- 603 (dd) Mebutamate;
- 604 (ee) Medazepam;
- 605 (ff) Meprobamate;
- 606 (gg) Methohexital;
- 607 (hh) Methylphenobarbital (mephobarbital);
- 608 (ii) Midazolam;
- 609 (jj) Nimetazepam;
- 610 (kk) Nitrazepam;
- 611 (ll) Nordiazepam;
- 612 (mm) Oxazepam;
- 613 (nn) Oxazolam;
- 614 (oo) Paraldehyde;
- 615 (pp) Petrichloral;
- 616 (qq) Phenobarbital;
- 617 (rr) Pinazepam;
- 618 (ss) Prazepam;
- 619 (tt) Quazepam;

620 (uu) Temazepam;

621 (vv) Tetrazepam;

622 (ww) Triazolam;

623 (xx) Zaleplon;

624 (yy) Zolpidem;

625 (zz) Zopiclone;

626 (3) Any material, compound, mixture, or preparation which contains any
627 quantity of the following substance including its salts, isomers and salts of
628 isomers whenever the existence of such salts, isomers and salts of isomers is
629 possible: fenfluramine;

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

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

634 (b) Diethylpropion;

635 (c) Fencamfamin;

636 (d) Fenproporex;

637 (e) Mazindol;

638 (f) Mefenorex;

639 (g) Modafinil;

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

641 (i) Phentermine;

642 (j) Pipradrol;

643 (k) Sibutramine;

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

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

647 (a) butorphanol;

648 (b) pentazocine;

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

651 (7) The department of health and senior services may except by rule any
652 compound, mixture, or preparation containing any depressant substance listed in
653 subdivision (1) of this subsection from the application of all or any part of sections
654 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or
655 preparation contains one or more active medicinal ingredients not having a

656 depressant effect on the central nervous system, and if the admixtures are
657 included therein in combinations, quantity, proportion, or concentration that
658 vitiate the potential for abuse of the substances which have a depressant effect
659 on the central nervous system.

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

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

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

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

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

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

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

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

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

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

685 (3) Any compound, mixture, or preparation containing any detectable
686 quantity of pseudoephedrine or its salts or optical isomers, or salts of optical
687 isomers or any compound, mixture, or preparation containing any detectable
688 quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

689 (4) Unless specifically exempted or excluded or unless listed in another
690 schedule, any material, compound, mixture, or preparation which contains any
691 quantity of the following substances having a depressant effect on the central

692 nervous system, including its salts:

693 (a) Lacosamide;

694 (b) Pregabalin.

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

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

704 (2) Any person purchasing, receiving or otherwise acquiring any
705 compound, mixture, or preparation containing any detectable quantity of
706 pseudoephedrine, its salts or optical isomers, or salts of optical isomers or
707 ephedrine, its salts or optical isomers, or salts of optical isomers shall be at least
708 eighteen years of age; and

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

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

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

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

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

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

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

726 13. Each pharmacy shall submit information regarding sales of any
727 compound, mixture, or preparation as specified in subdivision (3) of subsection 10

728 of this section in accordance with transmission methods and frequency
729 established by the department by regulation;

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

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

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

737 17. The scheduling of substances specified in subdivision (3) of subsection
738 10 of this section and subsections 11, 12, 14, and 15 of this section shall not apply
739 to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel
740 capsule form or to any compound, mixture, or preparation specified in subdivision
741 (3) of subsection 10 of this section which must be dispensed, sold, or distributed
742 in a pharmacy pursuant to a prescription.

743 18. The manufacturer of a drug product or another interested party may
744 apply with the department of health and senior services for an exemption from
745 this section. The department of health and senior services may grant an
746 exemption by rule from this section if the department finds the drug product is
747 not used in the illegal manufacture of methamphetamine or other controlled or
748 dangerous substances. The department of health and senior services shall rely
749 on reports from law enforcement and law enforcement evidentiary laboratories in
750 determining if the proposed product can be used to manufacture illicit controlled
751 substances.

752 19. The department of health and senior services shall revise and
753 republish the schedules annually.

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

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

**195.203. Notwithstanding any other provision of this chapter or
2 chapter 579 to the contrary, it shall be legal to grow, harvest, and**

3 cultivate industrial hemp as defined in section 195.010 in accordance
4 with Section 7606 of the Agricultural Act of 2014 and the rules
5 promulgated by the department of agriculture under sections 195.600
6 to 195.609.

195.600. For the purposes of sections 195.600 to 195.609, the
2 following terms mean:

- 3 (1) "Department", the Missouri department of agriculture;
- 4 (2) "Director", the director of the department;
- 5 (3) "Industrial hemp", the same as such term is defined in section
6 195.010.

195.603. 1. By September 30, 2017, the department shall establish
2 a committee to advise the department on appropriate rules and
3 regulations regarding industrial hemp, including rules governing
4 licenses and permits to grow and cultivate industrial hemp. All rules
5 and regulations promulgated by the department under sections 195.600
6 to 195.609 shall meet the requirements of Section 7606 of the
7 Agricultural Act of 2014. The committee shall be administered and its
8 members chosen by the director.

9 2. The committee shall:

- 10 (1) Review policies in other states regarding industrial hemp;
- 11 (2) Determine best practices for the production of industrial
12 hemp and the licensing of growers; and
- 13 (3) Research and draft rules and regulations regarding industrial
14 hemp.

15 3. The committee shall be comprised of:

- 16 (1) One representative of the department;
- 17 (2) One representative each from the agricultural programs at
18 Lincoln University and the Columbia campus of the University of
19 Missouri;
- 20 (3) One representative of the governor's office;
- 21 (4) One representative of the Missouri state highway patrol;
- 22 (5) One representative of the Missouri sheriffs association;
- 23 (6) Two representatives of an association advocating for farmers;
- 24 (7) Two representatives of an association advocating for
25 industrial hemp; and
- 26 (8) One representative from the Missouri Crop Improvement
27 Association.

28 4. The committee may also include other members or workgroups
29 deemed necessary to accomplish its purposes, including but not limited
30 to representatives from state agencies, local advisory groups and
31 community members, and members of the general assembly.

32 5. By March 30, 2018, the department shall promulgate rules and
33 regulations concerning industrial hemp, including rules on industrial
34 hemp production and reasonable fees for licenses, permits, or other
35 necessary expenses to defray the cost of administering the rules and
36 regulations. All revenue collected under the rules and regulations
37 promulgated under this section shall be used exclusively for the
38 administration and implementation of the rules and regulations.

39 6. The committee shall be dissolved April 1, 2018, but may be
40 reconvened as needed by the department to assist in the promulgation
41 and amendment of rules under this section.

42 7. A license or permit to grow or cultivate industrial hemp shall
43 not be issued to a person who has been found guilty of a felony offense
44 in the five years immediately preceding the application date for the
45 license or permit, or a person who at any time has been found guilty of
46 a felony offense under any state or federal law regarding the
47 possession, distribution, manufacturing, cultivation, or use of a
48 controlled substance.

49 8. Upon issuance of a license or permit to grow or cultivate
50 industrial hemp, information regarding all license and permit holders
51 shall be forwarded to the state highway patrol.

52 9. Any license or permit to grow or cultivate industrial hemp is:

53 (1) Nontransferable; except that, such license or permit may be
54 transferred to a spouse or child, who otherwise meets the requirements
55 of a licensee or permittee, and the spouse or child may operate under
56 the existing license or permit until the registration expires, at which
57 time the renewal shall reflect the change in licensee;

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

60 (3) May be renewed as determined by the department.

61 10. The department may inspect any industrial hemp crop during
62 the crop's growth phase and take a representative composite sample for
63 field analysis. If a crop contains an average tetrahydrocannabinol
64 concentration exceeding three-tenths of one percent on a dry weight

65 basis, the department may detain, seize, or embargo the crop.

66 11. The department shall charge each recipient of a license or
67 permit to grow or cultivate industrial hemp reasonable fees as
68 determined by the department for the purpose of carrying out the
69 duties of the department under sections 195.600 to 195.609, including
70 fees to cover the administrative costs of processing license and permit
71 applications, the costs of the criminal history background check, and
72 the cost of any inspection of the licensee or permittee ordered by the
73 department. All fees collected under sections 195.600 to 195.609 shall
74 be deposited in a dedicated fund for use by the department to carry out
75 the duties of the department under sections 195.600 to 195.609.

76 12. Any rule or portion of a rule, as that term is defined in
77 section 536.010, that is created under the authority delegated in this
78 section shall become effective only if it complies with and is subject to
79 all of the provisions of chapter 536 and, if applicable, section
80 536.028. Sections 195.600 to 195.609 and chapter 536 are nonseverable,
81 and if any of the powers vested with the general assembly under
82 chapter 536 to review, to delay the effective date, or to disapprove and
83 annul a rule are subsequently held unconstitutional, then the grant of
84 rulemaking authority and any rule proposed or adopted after August
85 28, 2017, shall be invalid and void.

195.606. 1. The department may revoke or refuse to issue or
2 renew a license or permit to grow or cultivate industrial hemp and may
3 impose a civil penalty of not less than two thousand five hundred
4 dollars or more than fifty thousand dollars for violation of:

- 5 (1) A license or permit requirement, term, or condition;
- 6 (2) Department rules relating to growing or handling industrial
7 hemp;
- 8 (3) Any industrial hemp plant monitoring system; or
- 9 (4) A final order of the department that is specifically directed
10 to the licensee or permittee's industrial hemp operations or activities.

11 2. In addition, the department may revoke or refuse to issue or
12 renew a license or permit to grow or cultivate industrial hemp for
13 failing to comply with any provision of this chapter or for a violation
14 of any rule of the department that pertains to agricultural operations
15 or activities other than industrial hemp growing or handling.

195.609. 1. Any person growing industrial hemp who does not

2 have a valid license or permit to grow or cultivate industrial hemp
3 shall be subject to an administrative fine of five hundred dollars and
4 shall obtain a valid license or permit to grow or cultivate industrial
5 hemp within thirty days.

6 2. If during the thirty-day period described in subsection 1 of
7 this section such person applies for and receives a license or permit to
8 grow or cultivate industrial hemp, the amount of the fine imposed
9 under subsection 1 of this section shall be refunded in full.

10 3. If during the thirty-day period described in subsection 1 of
11 this section such person fails to obtain a license or permit to grow or
12 cultivate industrial hemp, the person shall be fined one thousand
13 dollars per day until such person obtains a license or permit to grow
14 or cultivate industrial hemp or the person's industrial hemp crop is
15 destroyed.

263.250. 1. Except as otherwise provided for industrial hemp
2 grown and cultivated under section 195.203 and the rules and
3 regulations promulgated by the department of agriculture in
4 accordance with sections 195.600 to 195.609, the plant "marijuana",
5 botanically known as cannabis sativa, is hereby declared to be a noxious weed
6 and all owners and occupiers of land shall destroy all such plants growing upon
7 their land. Any person who knowingly allows such plants to grow on his land or
8 refuses to destroy such plants after being notified to do so shall allow any sheriff
9 or such other persons as designated by the county commission to enter upon any
10 land in this state and destroy such plants.

11 2. Entry to such lands shall not be made, by any sheriff or other
12 designated person to destroy such plants, until fifteen days' notice by certified
13 mail shall be given the owner or occupant to destroy such plants or a search
14 warrant shall be issued on probable cause shown. In all such instances, the
15 county commission shall bear the cost of destruction and notification.

✓