

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 667**

4 (By Senators Stollings, Foster and Jenkins)

5 _____
6 [Originating in the Committee on Health and Human Resources;
7 reported February 22, 2012.]

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10
11 A BILL to amend and reenact §60A-1-101 of the Code of West
12 Virginia, 1931, as amended; and to amend and reenact
13 §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212
14 of said code, all relating generally to schedules of
15 controlled substances; modifying definitions; and updating
16 West Virginia schedules of controlled substances to include
17 certain substances found in the federal schedules of
18 controlled substances.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §60A-1-101 of the Code of West Virginia, 1931, as
21 amended, be amended and reenacted; and that §60A-2-204, §60A-2-206,
22 §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and
23 reenacted, all to read as follows:

24 **ARTICLE 1. DEFINITIONS.**

1 **§60A-1-101. Definitions.**

2 As used in this act:

3 (a) "Administer" means the direct application of a controlled
4 substance whether by injection, inhalation, ingestion or any other
5 means to the body of a patient or research subject by:

6 (1) A practitioner (or, in his or her presence, by his or her
7 authorized agent); or

8 (2) The patient or research subject at the direction and in
9 the presence of the practitioner.

10 (b) "Agent" means an authorized person who acts on behalf of
11 or at the direction of a manufacturer, distributor or dispenser.
12 It does not include a common or contract carrier, public
13 warehouseman or employee of the carrier or warehouseman.

14 (c) "Analogue" means a substance that, in relation to a
15 controlled substance, has a substantially similar chemical
16 structure.

17 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
18 Drugs, United States Department of Justice" or its successor
19 agency.

20 (e) "Controlled substance" means a drug, substance or
21 immediate precursor in Schedules I through V of article two.

22 (f) "Counterfeit substance" means a controlled substance
23 which, or the container or labeling of which, without
24 authorization, bears the trademark, trade name or other identifying

1 mark, imprint, number or device, or any likeness thereof, of a
2 manufacturer, distributor or dispenser other than the person who in
3 fact manufactured, distributed or dispensed the substance.

4 (g) "Imitation controlled substance" means: (1) A controlled
5 substance which is falsely represented to be a different controlled
6 substance; (2) a drug or substance which is not a controlled
7 substance but which is falsely represented to be a controlled
8 substance; or (3) a controlled substance or other drug or substance
9 or a combination thereof which is shaped, sized, colored, marked,
10 imprinted, numbered, labeled, packaged, distributed or priced so as
11 to cause a reasonable person to believe that it is a controlled
12 substance.

13 (h) "Deliver" or "delivery" means the actual, constructive or
14 attempted transfer from one person to another of: (1) A controlled
15 substance, whether or not there is an agency relationship; (2) a
16 counterfeit substance; or (3) an imitation controlled substance.

17 (i) "Dispense" means to deliver a controlled substance to an
18 ultimate user or research subject by or pursuant to the lawful
19 order of a practitioner, including the prescribing, administering,
20 packaging, labeling or compounding necessary to prepare the
21 substance for that delivery.

22 (j) "Dispenser" means a practitioner who dispenses.

23 (k) "Distribute" means to deliver, other than by administering
24 or dispensing, a controlled substance, a counterfeit substance or

1 an imitation controlled substance.

2 (l) "Distributor" means a person who distributes.

3 (m) "Drug" means: (1) Substances recognized as drugs in the
4 official "United States Pharmacopoeia, official Homeopathic
5 Pharmacopoeia of the United States or official National Formulary",
6 or any supplement to any of them; (2) substances intended for use
7 in the diagnosis, cure, mitigation, treatment or prevention of
8 disease in man or animals; (3) substances (other than food)
9 intended to affect the structure or any function of the body of man
10 or animals; and (4) substances intended for use as a component of
11 any article specified in clause (1), (2) or (3) of this
12 subdivision. It does not include devices or their components,
13 parts or accessories.

14 (n) "Immediate derivative" means a substance which ~~the "West~~
15 ~~Virginia Board of Pharmacy" has found to be and by rule designates~~
16 ~~as being~~ is the principal compound or any analogue of the parent
17 compound manufactured from a known controlled substance primarily
18 for use and which has equal or similar pharmacologic activity as
19 the parent compound which is necessary to prevent, curtail or limit
20 manufacture.

21 (o) "Immediate precursor" means a substance which ~~the "West~~
22 ~~Virginia Board of Pharmacy" (hereinafter in this act referred to as~~
23 ~~the State Board of Pharmacy) has found to be and by rule designates~~
24 ~~as being~~ is the principal compound commonly used or produced

1 primarily for use and which is an immediate chemical intermediary
2 used or likely to be used in the manufacture of a controlled
3 substance, the control of which is necessary to prevent, curtail or
4 limit manufacture.

5 (p) "Manufacture" means the production, preparation,
6 propagation, compounding, conversion or processing of a controlled
7 substance, either directly or indirectly or by extraction from
8 substances of natural origin, or independently by means of chemical
9 synthesis, or by a combination of extraction and chemical
10 synthesis, and includes any packaging or repackaging of the
11 substance or labeling or relabeling of its container, except that
12 this term does not include the preparation, compounding, packaging
13 or labeling of a controlled substance:

14 (1) By a practitioner as an incident to his administering or
15 dispensing of a controlled substance in the course of his
16 professional practice; or

17 (2) By a practitioner, or by his authorized agent under his
18 supervision, for the purpose of, or as an incident to, research,
19 teaching or chemical analysis and not for sale.

20 (q) "Marijuana" means all parts of the plant "Cannabis sativa
21 L.", whether growing or not; the seeds thereof; the resin extracted
22 from any part of the plant; and every compound, manufacture, salt,
23 immediate derivative, mixture or preparation of the plant, its
24 seeds or resin. It does not include the mature stalks of the

1 plant, fiber produced from the stalks, oil or cake made from the
2 seeds of the plant, any other compound, manufacture, salt,
3 immediate derivative, mixture or preparation of the mature stalks
4 (except the resin extracted therefrom), fiber, oil or cake, or the
5 sterilized seed of the plant which is incapable of germination.

6 (r) "Narcotic drug" means any of the following, whether
7 produced directly or indirectly by extraction from substances of
8 vegetable origin or independently by means of chemical synthesis,
9 or by a combination of extraction and chemical synthesis:

10 (1) Opium and opiate and any salt, compound, immediate
11 derivative or preparation of opium or opiate.

12 (2) Any salt, compound, isomer, immediate derivative or
13 preparation thereof which is chemically equivalent or identical
14 with any of the substances referred to in paragraph (1) of this
15 subdivision, but not including the isoquinoline alkaloids of opium.

16 (3) Opium poppy and poppy straw.

17 (4) Coca leaves and any salt, compound, immediate derivative
18 or preparation of coca leaves and any salt, compound, isomer,
19 immediate derivative or preparation thereof which is chemically
20 equivalent or identical with any of these substances, but not
21 including decocainized coca leaves or extractions of coca leaves
22 which do not contain cocaine or ecgonine.

23 (s) "Opiate" means any substance having an addiction-forming
24 or addiction-sustaining liability similar to morphine or being

1 capable of conversion into a drug having addiction-forming or
2 addiction-sustaining liability. It does not include, unless
3 specifically designated as controlled under section two hundred
4 one, article two of this chapter, the dextrorotatory isomer of
5 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It
6 does not include its racemic and levorotatory forms.

7 (t) "Opium poppy" means the plant of the species "Papaver
8 somniferum L.", except its seeds.

9 (u) "Person" means individual, corporation, government or
10 governmental subdivision or agency, business trust, estate, trust,
11 partnership or association, or any other legal entity.

12 (v) "Placebo" means an inert medicament or preparation
13 administered or dispensed for its psychological effect, to satisfy
14 a patient or research subject or to act as a control in
15 experimental series.

16 (w) "Poppy straw" means all parts, except the seeds, of the
17 opium poppy after mowing.

18 (x) "Practitioner" means:

19 (1) A physician, dentist, veterinarian, scientific
20 investigator or other person licensed, registered or otherwise
21 permitted to distribute, dispense, conduct research with respect
22 to, or to administer a controlled substance in the course of
23 professional practice or research in this state.

24 (2) A pharmacy, hospital or other institution licensed,

1 registered or otherwise permitted to distribute, dispense, conduct
2 research with respect to, or to administer a controlled substance
3 in the course of professional practice or research in this state.

4 (y) "Production" includes the manufacture, planting,
5 cultivation, growing or harvesting of a controlled substance.

6 (z) "State", when applied to a part of the United States,
7 includes any state, district, commonwealth, territory, insular
8 possession thereof and any area subject to the legal authority of
9 the United States of America.

10 (aa) "Ultimate user" means a person who lawfully possesses a
11 controlled substance for his or her own use or for the use of a
12 member of his or her household or for administering to an animal
13 owned by him or her or by a member of his or her household.

14 **ARTICLE 2. STANDARDS AND SCHEDULES.**

15 **§60A-2-204. Schedule I.**

16 (a) Schedule I shall consist of the drugs and other
17 substances, by whatever official name, common or usual name,
18 chemical name, or brand name designated, listed in this section.

19 (b) *Opiates*. Unless specifically excepted or unless listed
20 in another schedule, any of the following opiates, including their
21 isomers, esters, ethers, salts and salts of isomers, esters and
22 ethers, whenever the existence of such isomers, esters, ethers and
23 salts is possible within the specific chemical designation (for
24 purposes of subdivision (34) of this subsection only, the term

1 isomer includes the optical and geometric isomers):

2 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)

3 -4-piperidinyl]-N-phenylacetamide);

4 (2) Acetylmethadol;

5 (3) Allylprodine;

6 (4) Alphacetylmethadol (except levoalphacetylmethadol also

7 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

8 (5) Alphameprodine;

9 (6) Alphamethadol;

10 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)

11 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(-

12 propanilido) piperidine);

13 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-

14 4-piperidinyl]-N-phenylpropanamide);

15 (9) Benzethidine;

16 (10) Betacetylmethadol;

17 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-

18 piperidinyl]-N-phenylpropanamide);

19 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-

20 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

21 (13) Betameprodine;

22 (14) Betamethadol;

23 (15) Betaprodine;

24 (16) Clonitazene;

- 1 (17) Dextromoramide;
- 2 (18) Diampromide;
- 3 (19) Diethylthiambutene;
- 4 (20) Difenoquin;
- 5 (21) Dimenoxadol;
- 6 (22) Dimepheptanol;
- 7 (23) Dimethylthiambutene;
- 8 (24) Dioxaphetyl butyrate;
- 9 (25) Dipipanone;
- 10 (26) Ethylmethylthiambutene;
- 11 (27) Etonitazene;
- 12 (28) Etoxadine;
- 13 (29) Furethidine;
- 14 (30) Hydroxypethidine;
- 15 (31) Ketobemidone;
- 16 (32) Levomoramide;
- 17 (33) Levophenacymorphan;
- 18 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 19 piperidyl]-N-phenylpropanamide);
- 20 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-
- 21 piperidinyl]-N-phenylpropanamide);
- 22 (36) Morpheridine;
- 23 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 24 (38) Noracymethadol;

- 1 (39) Norlevorphanol;
- 2 (40) Normethadone;
- 3 (41) Norpipanone;
- 4 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 5 phenethyl)-4-piperidinyl] propanamide);
- 6 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 7 (44) Phenadoxone;
- 8 (45) Phenampromide;
- 9 (46) Phenomorphan;
- 10 (47) Phenoperidine;
- 11 (48) Piritramide;
- 12 (49) Proheptazine;
- 13 (50) Properidine;
- 14 (51) Propiram;
- 15 (52) Racemoramide;
- 16 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 17 piperidinyl]-propanamide);
- 18 (54) Tilidine;
- 19 (55) Trimeperidine.

20 (c) *Opium derivatives.* -- Unless specifically excepted or
21 unless listed in another schedule, any of the following opium
22 immediate derivatives, its salts, isomers and salts of isomers
23 whenever the existence of such salts, isomers and salts of isomers
24 is possible within the specific chemical designation:

- 1 (1) Acetorphine;
- 2 (2) Acetyldihydrocodeine;
- 3 (3) Benzylmorphine;
- 4 (4) Codeine methylbromide;
- 5 (5) Codeine-N-Oxide;
- 6 (6) Cyprenorphine;
- 7 (7) Desomorphine;
- 8 (8) Dihydromorphine;
- 9 (9) Drotebanol;
- 10 (10) Etorphine (except HCl Salt);
- 11 (11) Heroin;
- 12 (12) Hydromorphanol;
- 13 (13) Methyldesorphine;
- 14 (14) Methyldihydromorphine;
- 15 (15) Morphine methylbromide;
- 16 (16) Morphine methylsulfonate;
- 17 (17) Morphine-N-Oxide;
- 18 (18) Myrophine;
- 19 (19) Nicocodeine;
- 20 (20) Nicomorphine;
- 21 (21) Normorphine;
- 22 (22) Pholcodine;
- 23 (23) Thebacon.
- 24 (d) *Hallucinogenic substances.* -- Unless specifically

1 excepted or unless listed in another schedule, any material,
2 compound, mixture or preparation, which contains any quantity of
3 the following hallucinogenic substances, or which contains any of
4 its salts, isomers and salts of isomers, whenever the existence of
5 such salts, isomers, and salts of isomers is possible within the
6 specific chemical designation (for purposes of this subsection
7 only, the term "isomer" includes the optical, position and
8 geometric isomers):

9 (1) Alpha-ethyltryptamine; some trade or other names:
10 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-
11 aminobutyl) indole; alpha-ET; and AET;

12 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other
13 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-
14 2,5-DMA;

15 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other
16 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
17 desmethyl DOB; 2C-B, Nexus;

18 (4) 2,5-dimethoxyamphetamine; some trade or other names:
19 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

20 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other
21 names: DOET;

22 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:
23 2C-T-7);

24 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names:

1 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;
2 ~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3,
3 4-methylenedioxy-amphetamine;
4 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and
5 other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
6 "DOM"; and "STP";
7 ~~(9)~~ (10) 3,4-methylenedioxy amphetamine;
8 ~~(10)~~ (11) 3,4-methylenedioxymethamphetamine (MDMA);
9 ~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
10 as N- ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine,
11 N-ethyl MDA, MDE, MDEA);
12 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known
13 as N- hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
14 N- hydroxy MDA);
15 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;
16 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
17 (16) Alpha-methyltryptamine (other name:AMT);
18 ~~(14)~~ (17) Bufotenine; some trade and other names:
19 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimethylaminoeth
20 yl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
21 dimethyltryptamine; mappine;
22 ~~(15)~~ (18) Diethyltryptamine; some trade and other
23 names: N, N-Diethyltryptamine; DET;
24 ~~(16)~~ (19) Dimethyltryptamine; some trade or other names:

1 DMT;

2 (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

3 ~~(17)~~ (21) Ibogaine; some trade and other names: 7-Ethyl-6,
4 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
5 pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

6 ~~(18)~~ (22) Lysergic acid diethylamide;

7 ~~(19)~~ (23) Marihuana;

8 ~~(20)~~ (24) Mescaline;

9 ~~(21)~~ (25) Parahexyl-7374; some trade or other names:
10 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
11 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

12 ~~(22)~~ (26) Peyote; meaning all parts of the plant presently
13 classified botanically as Lophophora williamsii Lemaire, whether
14 growing or not, the seeds thereof, any extract from any part of
15 such plant, and every compound, manufacture, salts, immediate
16 derivative, mixture or preparation of such plant, its seeds or
17 extracts;

18 ~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;

19 ~~(24)~~ (28) N-methyl-3-piperidyl benzilate;

20 ~~(25)~~ (29) Psilocybin;

21 ~~(26)~~ (30) Psilocyn;

22 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the
23 substances contained in the plant, or in the resinous extractives
24 of Cannabis, sp. and/or synthetic substances, immediate derivatives

1 and their isomers with similar chemical structure and
2 pharmacological activity such as the following:

3 delta-1 Cis or trans tetrahydrocannabinol, and their optical
4 isomers;

5 delta-6 Cis or trans tetrahydrocannabinol, and their optical
6 isomers;

7 delta-3,4 Cis or trans tetrahydrocannabinol, and its optical
8 isomers;

9 (Since nomenclature of these substances is not internationally
10 standardized, compounds of these structures, regardless of
11 numerical designation of atomic positions covered.)

12 ~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade or
13 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
14 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

15 ~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade or
16 other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

17 ~~(30)~~ (34) Thiophene analog of phencyclidine; some trade or
18 other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
19 2-thienylanalog of phencyclidine; TPCP, TCP;

20 ~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other
21 names: TCPy.

22 ~~(32)~~ (36) Synthetic Cannabinoids as follows:

23 ~~()~~ ()
24 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) (phenol)

1 {also known as CP 47,497 and homologues};
2 (~~_____b_____~~) _____ (B)
3 rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol
4 {also known as CP 47,497-C8 homolog};
5 (~~_____c_____~~) _____ (C)
6 [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7
7 ,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};
8 (~~_____d_____~~) (D) (d e x a n a b i n o l ,
9 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
10 6a,7,10,10a-tetrahydrobenzol[c]chromen-1-ol) {also known as
11 HU-211};
12 (~~(e)~~) (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as
13 JWH-018};
14 (~~(f)~~) (F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
15 (~~(g)~~) (G) (2-methyl-1-propyl-1H-indol-3-yl)-~~1-naphthalenyl~~
16 1-naphthalenyl-methanone {also known as JWH-015};
17 (~~(h)~~) (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also
18 known as JWH-019};
19 (~~(i)~~) (I) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-
20 ~~1-naphthalenyl~~ (1-naphthalenyl) methanone {also known as JWH-200};
21 (~~(j)~~) (J) 1-(1-pentyl-1H-indol-3-yl)-2-(~~3-hydroxyphenyl~~
22 3-methoxyphenyl)-ethanone {also known as JWH-250};
23 (~~(k)~~) (K) 2-((1S,2S,5S)-5-hydroxy-2-(~~3-hydroxypropyl~~
24 3-hydroxypropyl)(cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also

1 known as CP 55,940};

2 (~~_____1_____~~) (_____L_____)

3 (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone {also
4 known as JWH-122};

5 ~~(m)~~ (M) (~~4-methyl-1-naphthalenyl~~) (~~1-pentyl-1H-indol-3-yl~~)

6 (4-chloronaphthalen-1-yl) (1-pentylindolin-3-yl)- methanone {also
7 known as JWH-398};

8 ~~(n)~~ (N) (4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone

9 {also known as RCS-4};

10 (~~_____o_____~~) (_____O_____)

11 1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-methoxyphenyl)ethan
12 one {also known as RCS-8}; and

13 (Since nomenclature of these substances is not internationally
14 standardized, any immediate precursor or immediate derivative of
15 these substances shall be covered).

16 (e) *Depressants*. -- Unless specifically excepted or unless
17 listed in another schedule, any material, compound, mixture, or
18 preparation which contains any quantity of the following substances
19 having a depressant effect on the central nervous system, including
20 its salts, isomers and salts of isomers whenever the existence of
21 such salts, isomers and salts of isomers is possible within the
22 specific chemical designation:

23 (1) Mecloqualone;

24 (2) Methaqualone;

1 (3) Gamma Hydroxybutyric Acid (GHB).

2 (f) *Stimulants.* -- Unless specifically excepted or unless
3 listed in another schedule, any material, compound, mixture, or
4 preparation which contains any quantity of the following substances
5 having a stimulant effect on the central nervous system, including
6 its salts, isomers, and salts of isomers:

7 (1) Aminorex; some other names: aminoxaphen; 2-amino-5-
8 phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

9 (2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-
10 propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and
11 norephedrone;

12 (3) Fenethylamine;

13 (4) Methcathinone, its immediate precursors and immediate
14 derivatives, its salts, optical isomers and salts of optical
15 isomers; some other names: (2-(methylamino)-propionophenone;
16 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-
17 one; alpha-N-methylaminopropionophenone; monomethylpropion;
18 3,4-methylenedioxypropionophenone and/or
19 mephedrone; 3,4-methylenedioxypropionophenone (~~MPVD~~) (MDPV); ephedrone;
20 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and
21 UR1432;

22 (5) (+-) cis-4-methylaminorex; ((-) cis-4,5-dihydro-4-methyl-
23 5-phenyl-2-oxazolamine);

24 (6) N-ethylamphetamine;

1 (7) ~~N,N-dimethylamphetemine~~ N,N dimethylamphetamine; also
2 known as N,N-alpha- trimethyl-benzeneethanamine;
3 N,N-alpha-trimethylphenethylamine.

4 (g) *Temporary listing of substances subject to emergency*
5 *scheduling.* -- Any material, compound, mixture or preparation
6 which contains any quantity of the following substances:

7 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
8 (benzylfentanyl), its optical isomers, salts, and salts of isomers.

9 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
10 (thenylfentanyl), its optical isomers, salts and salts of isomers.

11 (8) N-benzylpiperazine, also known as BZP.

12 **§60A-2-206. Schedule II.**

13 (a) Schedule II consists of the drugs and other substances, by
14 whatever official name, common or usual name, chemical name, or
15 brand name designated, listed in this section.

16 (b) *Substances, vegetable origin or chemical synthesis.* --
17 Unless specifically excepted or unless listed in another schedule,
18 any of the following substances whether produced directly or
19 indirectly by extraction from substances of vegetable origin, or
20 independently by means of chemical synthesis, or by a combination
21 of extraction and chemical synthesis:

22 (1) Opium and opiate, and any salt, compound, derivative or
23 preparation of opium or opiate excluding apomorphine,
24 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,

1 naloxone and naltrexone, and their respective salts, but including
2 the following:

3 (A) Raw opium;

4 (B) Opium extracts;

5 (C) Opium fluid;

6 (D) Powdered opium;

7 (E) Granulated opium;

8 (F) Tincture of opium;

9 (G) Codeine;

10 (H) Dihydroetorphine;

11 ~~(H)~~ (I) Ethylmorphine;

12 ~~(I)~~ (J) Etorphine hydrochloride;

13 ~~(J)~~ (K) Hydrocodone;

14 ~~(K)~~ (L) Hydromorphone;

15 ~~(L)~~ (M) Metopon;

16 ~~(M)~~ (N) Morphine;

17 (O) Oripavine;

18 ~~(N)~~ (P) Oxycodone;

19 ~~(O)~~ (Q) Oxymorphone;

20 ~~(P)~~ (R) Thebaine.

21 (2) Any salt, compound, derivative or preparation thereof
22 which is chemically equivalent or identical with any of the
23 substances referred to in subdivision (1) of this subsection,
24 except that these substances shall not include the isoquinoline

1 alkaloids of opium;

2 (3) Opium poppy and poppy straw;

3 (4) Coca leaves and any salt, compound, derivative or
4 preparation of coca leaves (including cocaine and ecgonine and
5 their salts, isomers, derivatives and salts of isomers and
6 derivatives), and any salt, compound, derivative or preparation
7 thereof which is chemically equivalent or identical with any of
8 these substances, except that the substances shall not include
9 decocainized coca leaves or extractions of coca leaves, which
10 extractions do not contain cocaine or ecgonine;

11 (5) Concentrate of poppy straw (the crude extract of poppy
12 straw in either liquid, solid or powder form which contains the
13 phenanthrene alkaloids of the opium poppy).

14 (c) *Opiates*. -- Unless specifically excepted or unless in
15 another schedule, any of the following opiates, including its
16 isomers, esters, ethers, salts and salts of isomers, esters and
17 ethers whenever the existence of such isomers, esters, ethers and
18 salts is possible within the specific chemical designation,
19 dextrorphan and levopropoxyphene excepted:

20 (1) Alfentanil;

21 (2) Alphaprodine;

22 (3) Anileridine;

23 (4) Bezitramide;

24 (5) Bulk dextropropoxyphene (nondosage forms);

1 (6) Carfentanil;
2 (7) Dihydrocodeine;
3 (8) Diphenoxylate;
4 (9) Fentanyl;
5 (10) Isomethadone;
6 (11) Levo-alpha-acetylmethadol; some other names:
7 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
8 (12) Levomethorphan;
9 (13) Levorphanol;
10 (14) Metazocine;
11 (15) Methadone;
12 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
13 4-diphenyl butane;
14 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
15 1-diphenylpropane-carboxylic acid;
16 (18) Pethidine; (meperidine);
17 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
18 phenylpiperidine;
19 (2 0) P e t h i d i n e - I n t e r m e d i a t e - B ,
20 ethyl-4-phenylpiperidine-4-carboxylate;
21 (2 1) P e t h i d i n e - I n t e r m e d i a t e - C ,
22 1-methyl-4-phenylpiperidine-4-carboxylic acid;
23 (22) Phenazocine;
24 (23) Piminodine;

1 (24) Racemethorphan;

2 (25) Racemorphan;

3 (26) Remifentanil;

4 (27) Sufentanil;

5 (28) Tapentadol.

6 (d) *Stimulants.* -- Unless specifically excepted or unless
7 listed in another schedule, any material, compound, mixture or
8 preparation which contains any quantity of the following substances
9 having a stimulant effect on the central nervous system:

10 (1) Amphetamine, its salts, optical isomers and salts of its
11 optical isomers;

12 (2) Methamphetamine, its salts, isomers and salts of its
13 isomers;

14 (3) Methylphenidate;

15 (4) Phenmetrazine and its salts;

16 (5) Lisdexamfetamine.

17 (e) *Depressants.* -- Unless specifically excepted or unless
18 listed in another schedule, any material, compound, mixture or
19 preparation which contains any quantity of the following substances
20 having a depressant effect on the central nervous system, including
21 its salts, isomers and salts of isomers whenever the existence of
22 such salts, isomers and salts of isomers is possible within the
23 specific chemical designation:

24 (1) Amobarbital;

1 (2) Glutethimide;

2 (3) Pentobarbital;

3 (4) Phencyclidine;

4 (5) Secobarbital.

5 (f) Hallucinogenic substances:

6 Nabilone: [Another name for nabilone: (+-)-trans-3-(1,
7 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,
8 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

9 (g) *Immediate precursors*. -- Unless specifically excepted or
10 unless listed in another schedule, any material, compound, mixture,
11 or preparation which contains any quantity of the following
12 substances:

13 (1) Immediate precursor to amphetamine and methamphetamine:

14 (A) Phenylacetone;

15 Some trade or other names: phenyl-2-propanone; P2P; benzyl
16 methyl ketone; methyl benzyl ketone;

17 (2) Immediate precursors to phencyclidine (PCP):

18 (A) 1-phenylcyclohexylamine;

19 (B) 1-piperidinocyclohexanecarbonitrile (PCC);

20 (3) Immediate precursor to fentanyl:

21 (A) 4-anilino-N-phenethyl-4-piperidine (ANPP).

22 **§60A-2-208. Schedule III.**

23 (a) Schedule III consists of the drugs and other substances,
24 by whatever official name, common or usual name, chemical name or

1 brand name designated, listed in this section.

2 (b) *Stimulants*. -- Unless specifically excepted or unless
3 listed in another schedule, any material, compound, mixture or
4 preparation which contains any quantity of the following substances
5 having a stimulant effect on the central nervous system, including
6 its salts, isomers (whether optical, position or geometric), and
7 salts of such isomers whenever the existence of the salts, isomers
8 and salts of isomers is possible within the specific chemical
9 designation:

10 (1) Those compounds, mixtures or preparations in dosage unit
11 form containing any stimulant substances listed in Schedule II
12 which compounds, mixtures or preparations were listed on August 25,
13 1971, as excepted compounds under 21 C.F.R §1308.32, and any other
14 drug of the quantitative composition shown in that list for those
15 drugs or which is the same except that it contains a lesser
16 quantity of controlled substances;

17 (2) Benzphetamine;

18 (3) Chlorphentermine;

19 (4) Clortermine;

20 (5) Phendimetrazine.

21 ~~(6) Hydrocodone.~~

22 (c) *Depressants*. -- Unless specifically excepted or unless
23 listed in another schedule, any material, compound, mixture or
24 preparation which contains any quantity of the following substances

1 having a depressant effect on the central nervous system:

2 (1) Any compound, mixture or preparation containing:

3 (A) Amobarbital;

4 (B) Secobarbital;

5 (C) Pentobarbital; or any salt of pentobarbital and one or

6 more other active medicinal ingredients which are not listed in any

7 schedule;

8 (2) Any suppository dosage form containing:

9 (A) Amobarbital;

10 (B) Secobarbital;

11 (C) Pentobarbital; or any salt of any of these drugs and

12 approved by the food and drug administration for marketing only as

13 a suppository;

14 (3) Any substance which contains any quantity of a derivative

15 of barbituric acid or any salt of barbituric acid;

16 (4) Aprobarbital;

17 (5) Butabarbital (secbutabarbital);

18 (6) Butalbital;

19 (7) Butobarbital (butethal);

20 ~~(4)~~ (8) Chlorhexadol;

21 (9) Embutramide;

22 (10) Gamma Hydroxybutyric Acid preparations;

23 (11) Ketamine, its salts, isomers and salts of isomers [Some

24 o t h e r n a m e s f o r k e t a m i n e :

1 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];
2 ~~(5)~~ (12) Lysergic acid;
3 ~~(6)~~ (13) Lysergic acid amide;
4 ~~(7)~~ (14) Methyprylon;
5 ~~(8)~~ (15) Sulfondiethylmethane;
6 ~~(9)~~ (16) Sulfonethylmethane;
7 ~~(10)~~ (17) Sulfonmethane;
8 (18) Thiamylal;
9 (19) Thiopental;
10 ~~(11)~~ (20) Tiletamine and zolazepam or any salt of tiletamine
11 and zolazepam; some trade or other names for a tiletamine-zolazepam
12 combination product: Telazol; some trade or other names for
13 tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade
14 or other names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3,
15 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon;
16 (21) Vinbarbital.
17 ~~(12)~~ ~~Human growth hormones or anabolic steroids.~~
18 ~~Ketamine, its salts, isomers and salts of isomers, including~~
19 ~~ketamine hydrochloride.~~
20 (d) Nalorphine.
21 (e) *Narcotic drugs.* -- Unless specifically excepted or unless
22 listed in another schedule:
23 (1) Any material, compound, mixture or preparation containing
24 any of the following narcotic drugs, or their salts calculated as

1 the free anhydrous base or alkaloid, in limited quantities as set
2 forth below:

3 ~~(1)~~ (A) Not more than 1.8 grams of codeine per 100 milliliters
4 and not more than 90 milligrams per dosage unit, with an equal or
5 greater quantity of an isoquinoline alkaloid of opium;

6 ~~(2)~~ (B) Not more than 1.8 grams of codeine per 100 milliliters
7 or not more than 90 milligrams per dosage unit, with one or more
8 active, nonnarcotic ingredients in recognized therapeutic amounts;

9 ~~(3)~~ (C) Not more than 300 milligrams of dihydrocodeinone
10 (hydrocodone) per 100 milliliters or not more than 15 milligrams
11 per dosage unit, with a fourfold or greater quantity of an
12 isoquinoline alkaloid of opium;

13 ~~(4)~~ (D) Not more than 300 milligrams of dihydrocodeinone
14 (hydrocodone) per 100 milliliters or not more than 15 milligrams
15 per dosage unit, with one or more active, nonnarcotic ingredients
16 in recognized therapeutic amounts;

17 ~~(5)~~ (E) Not more than 1.8 grams of dihydrocodeine per 100
18 milliliters and not more than 90 milligrams per dosage unit, with
19 one or more active, nonnarcotic ingredients in recognized
20 therapeutic amounts;

21 ~~(6)~~ (F) Not more than 300 milligrams of ethylmorphine per 100
22 milliliters or not more than 15 milligrams per dosage unit, with
23 one or more active, nonnarcotic ingredients in recognized
24 therapeutic amounts;

1 ~~(7)~~ (G) Not more than 500 milligrams of opium per 100
2 milliliters or per 100 grams or not more than 25 milligrams per
3 dosage unit, with one or more active, nonnarcotic ingredients in
4 recognized therapeutic amounts;

5 ~~(8)~~ (H) Not more than 50 milligrams of morphine per 100
6 milliliters or per 100 grams, with one or more active, nonnarcotic
7 ingredients in recognized therapeutic amounts.

8 (2) Any material, compound, mixture or preparation containing
9 any of the following narcotic drugs or their salts, as set forth
10 below:

11 (A) Buprenorphine.

12 (f) *Anabolic steroids.* -- Unless specifically excepted or
13 unless listed in another schedule, any material, compound, mixture,
14 or preparation containing any quantity of anabolic steroids,
15 including its salts, isomers and salts of isomers whenever the
16 existence of the salts of isomers is possible within the specific
17 chemical designation.

18 (g) Human Growth Hormones.

19 ~~(g)~~ (h) Dronabinol (synthetic) in sesame oil and encapsulated
20 in a soft gelatin capsule in a United States food and drug
21 administration approved drug product. (Some other names for
22 dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6,
23 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or
24 (-)-delta-9-(trans)-tetrahydrocannabinol).

1 **§60A-2-210. Schedule IV.**

2 (a) Schedule IV shall consist of the drugs and other
3 substances, by whatever official name, common or usual name,
4 chemical name, or brand name designated, listed in this section.

5 (b) *Narcotic drugs.* Unless specifically excepted or unless
6 listed in another schedule, any material, compound, mixture, or
7 preparation containing any of the following narcotic drugs, or
8 their salts calculated as the free anhydrous base or alkaloid, in
9 limited quantities as set forth below:

10 (1) Not more than 1 milligram of difenoxin and not less than
11 25 micrograms of atropine sulfate per dosage unit;

12 (2) D e x t r o p r o p o x y p h e n e
13 (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybuta
14 ne).

15 (c) *Depressants.* -- Unless specifically excepted or unless
16 listed in another schedule, any material, compound, mixture or
17 preparation which contains any quantity of the following
18 substances, including its salts, isomers and salts of isomers
19 whenever the existence of such salts, isomers and salts of isomers
20 is possible within the specific chemical designation:

21 (1) Alprazolam;

22 (2) Barbital;

23 (3) Bromazepam;

24 (4) Camazepam;

- 1 (5) Carisoprodol;
- 2 (6) Chloral betaine;
- 3 (7) Chloral hydrate;
- 4 (8) Chlordiazepoxide;
- 5 (9) Clobazam;
- 6 (10) Clonazepam;
- 7 (11) Clorazepate;
- 8 (12) Clotiazepam;
- 9 (13) Cloxazolam;
- 10 (14) Delorazepam;
- 11 (15) Diazepam;
- 12 (16) Dichloralphenazone;
- 13 ~~(16)~~ (17) Estazolam;
- 14 ~~(17)~~ (18) Ethchlorvynol;
- 15 ~~(18)~~ (19) Ethinamate;
- 16 ~~(19)~~ (20) Ethyl loflazepate;
- 17 ~~(20)~~ (21) Fludiazepam;
- 18 ~~(21)~~ (22) Flunitrazepam;
- 19 ~~(22)~~ (23) Flurazepam;
- 20 (24) Fospropofol;
- 21 ~~(23)~~ (25) Halazepam;
- 22 ~~(24)~~ (26) Haloxazolam;
- 23 ~~(25)~~ (27) Ketazolam;
- 24 ~~(26)~~ (28) Loprazolam;

- 1 ~~(27)~~ (29) Lorazepam;
- 2 ~~(28)~~ (30) Lormetazepam;
- 3 ~~(29)~~ (31) Mebutamate;
- 4 ~~(30)~~ (32) Medazepam;
- 5 ~~(31)~~ (33) Meprobamate;
- 6 ~~(32)~~ (34) Methohexital;
- 7 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- 8 ~~(34)~~ (36) Midazolam;
- 9 ~~(35)~~ (37) Nimetazepam;
- 10 ~~(36)~~ (38) Nitrazepam;
- 11 ~~(37)~~ (39) Nordiazepam;
- 12 ~~(38)~~ (40) Oxazepam;
- 13 ~~(39)~~ (41) Oxazolam;
- 14 ~~(40)~~ (42) Paraldehyde;
- 15 ~~(41)~~ (43) Petrichloral;
- 16 ~~(42)~~ (44) Phenobarbital;
- 17 ~~(43)~~ (45) Pinazepam;
- 18 ~~(44)~~ (46) Prazepam;
- 19 ~~(45)~~ (47) Quazepam;
- 20 ~~(46)~~ (48) Temazepam;
- 21 ~~(47)~~ (49) Tetrazepam;
- 22 ~~(48)~~ (50) Triazolam;
- 23 (51) Zaleplon;
- 24 ~~(49)~~ (52) Zolpidem;

1 (53) Zopiclone.

2 (d) *Fenfluramine.* -- Any material, compound, mixture or
3 preparation which contains any quantity of the following substance,
4 including its salts, isomers (whether optical, position or
5 geometric) and salts of such isomers whenever the existence of such
6 salts, isomers and salts of isomers is possible: Fenfluramine,
7 Dexfenfluramine.

8 (e) *Stimulants.* -- Unless specifically excepted or unless
9 listed in another schedule, any material, compound, mixture or
10 preparation which contains any quantity of the following substances
11 having a stimulant effect on the central nervous system, including
12 its salts, isomers and salts of isomers:

13 (1) Cathine ((+)-norpseudoephedrine);

14 (2) Diethylpropion;

15 (3) Fencamfamin;

16 (4) Fenproporex;

17 (5) Mazindol;

18 (6) Mefenorex;

19 (7) Modafinil;

20 ~~(7)~~ (8) Pemoline (including organometallic complexes and
21 chelates thereof);

22 ~~(8)~~ (9) Phentermine;

23 ~~(9)~~ (10) Pipradrol;

24 (11) Sibutramine;

1 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

2 (f) *Other substances.* -- Unless specifically excepted or
3 unless listed in another schedule, any material, compound, mixture
4 or preparation which contains any quantity of the following
5 substances, including its salts:

6 (1) Pentazocine;

7 (2) Butorphanol.

8 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
9 organic nitrites are controlled substances and no product
10 containing these compounds as a significant component shall be
11 possessed, bought or sold other than pursuant to a bona fide
12 prescription or for industrial or manufacturing purposes.

13 **§60A-2-212. Schedule V.**

14 (a) Schedule V shall consist of the drugs and other
15 substances, by whatever official name, common or usual name,
16 chemical name, or brand name designated, listed in this section.

17 ~~(b) *Narcotic drugs.* -- Unless specifically excepted or unless
18 listed in another schedule, any material, compound, mixture or
19 preparation containing any of the following narcotic drugs and
20 their salts, as set forth below:~~

21 ~~(1) Buprenorphine.~~

22 ~~(c)~~ (b) Narcotic drugs containing nonnarcotic active medicinal
23 ingredients. Any compound, mixture or preparation containing any
24 of the following narcotic drugs or their salts calculated as the

1 free anhydrous base or alkaloid in limited quantities as set forth
2 below, which shall include one or more nonnarcotic active medicinal
3 ingredients in sufficient proportion to confer upon the compound,
4 mixture or preparation valuable medicinal qualities other than
5 those possessed by the narcotic drug alone:

6 (1) Not more than 200 milligrams of codeine per 100
7 milliliters or per 100 grams;

8 (2) Not more than 100 milligrams of dihydrocodeine per 100
9 milliliters or per 100 grams;

10 (3) Not more than 100 milligrams of ethylmorphine per 100
11 milliliters or per 100 grams;

12 (4) Not more than 2.5 milligrams of diphenoxylate and not less
13 than 25 micrograms of atropine sulfate per dosage unit;

14 (5) Not more than 100 milligrams of opium per 100 milliliters
15 or per 100 grams;

16 (6) Not more than 0.5 milligrams of difenoxin and not less
17 than 25 micrograms of atropine sulfate per dosage unit.

18 ~~(d)~~ (c) *Stimulants*. -- Unless specifically exempted or
19 excluded or unless listed in another schedule, any material,
20 compound, mixture or preparation which contains any quantity of the
21 following substances having a stimulant effect on the central
22 nervous system, including its salts, isomers and salts of isomers:

23 (1) Pyrovalerone.

24 ~~(e)~~ (d) Any compound, mixture or preparation containing as its

1 single active ingredient ephedrine, pseudoephedrine or
2 phenylpropanolamine, their salts or optical isomers, or salts of
3 optical isomers except products which are for pediatric use
4 primarily intended for administration to children under the age of
5 twelve: *Provided*, That neither the offenses set forth in section
6 four hundred one, article four of this chapter, nor the penalties
7 therein, shall be applicable to ephedrine, pseudoephedrine or
8 phenylpropanolamine which shall be subject to the provisions of
9 article ten of this chapter.

10 (e) *Depressants*. -- Unless specifically exempted or excluded
11 or unless listed in another schedule, any material, compound,
12 mixture, or preparation which contains any quantity of the
13 following substances having a depressant effect on the central
14 nervous system, including its salts:

15 (1) E z o g a b i n e
16 [N-[2-amino-4-94-fluorobenzylamino)-phenyl]-carbamic acid ethyl
17 ester];

18 (2) L a c o s a m i d e [(R) - 2 - a c e t o a m i d o - N
19 -benzyl-3-methoxy-propionamide];

20 (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].