

Senate Bill No. 667

(By Senators Stollings, Foster and Jenkins)

[Introduced February 20, 2012; referred to the Committee on
Health and Human Resources; and then to the Committee on the
Judiciary.]

A BILL to amend and reenact §60A-1-101 of the Code of West
Virginia, 1931, as amended; and to amend and reenact §60A-2-
204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said
code, all relating generally to schedules of controlled
substances; modifying definitions; and updating West Virginia
schedules of controlled substances to match federal schedules
of controlled substances.

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

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

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

1 (k) "Distribute" means to deliver, other than by administering
2 or dispensing, a controlled substance, a counterfeit substance or
3 an imitation controlled substance.

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

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

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

23 (o) "Immediate precursor" means a substance which ~~the "West~~

1 ~~Virginia Board of Pharmacy"~~ (hereinafter in this act referred to as
2 ~~the State Board of Pharmacy)~~ has found to be and by rule designates
3 ~~as being~~ is the principal compound commonly used or produced
4 primarily for use and which is an immediate chemical intermediary
5 used or likely to be used in the manufacture of a controlled
6 substance, the control of which is necessary to prevent, curtail or
7 limit manufacture.

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

17 (1) By a practitioner as an incident to his administering or
18 dispensing of a controlled substance in the course of his
19 professional practice; or

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

23 (q) "Marijuana" means all parts of the plant "Cannabis sativa

1 L.", whether growing or not; the seeds thereof; the resin extracted
2 from any part of the plant; and every compound, manufacture, salt,
3 immediate derivative, mixture or preparation of the plant, its
4 seeds or resin. It does not include the mature stalks of the
5 plant, fiber produced from the stalks, oil or cake made from the
6 seeds of the plant, any other compound, manufacture, salt,
7 immediate derivative, mixture or preparation of the mature stalks
8 (except the resin extracted therefrom), fiber, oil or cake, or the
9 sterilized seed of the plant which is incapable of germination.

10 (r) "Narcotic drug" means any of the following, whether
11 produced directly or indirectly by extraction from substances of
12 vegetable origin or independently by means of chemical synthesis,
13 or by a combination of extraction and chemical synthesis:

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

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

20 (3) Opium poppy and poppy straw.

21 (4) Coca leaves and any salt, compound, immediate derivative
22 or preparation of coca leaves and any salt, compound, isomer,
23 immediate derivative or preparation thereof which is chemically

1 equivalent or identical with any of these substances, but not
2 including decocainized coca leaves or extractions of coca leaves
3 which do not contain cocaine or ecgonine.

4 (s) "Opiate" means any substance having an addiction-forming
5 or addiction-sustaining liability similar to morphine or being
6 capable of conversion into a drug having addiction-forming or
7 addiction-sustaining liability. It does not include, unless
8 specifically designated as controlled under section two hundred
9 one, article two of this chapter, the dextrorotatory isomer of 3-
10 methoxy-n-methylmorphinan and its salts (dextromethorphan). It
11 does not include its racemic and levorotatory forms.

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

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

17 (v) "Placebo" means an inert medicament or preparation
18 administered or dispensed for its psychological effect, to satisfy
19 a patient or research subject or to act as a control in
20 experimental series.

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

23 (x) "Practitioner" means:

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

6 (2) A pharmacy, hospital or other institution licensed,
7 registered or otherwise permitted to distribute, dispense, conduct
8 research with respect to, or to administer a controlled substance
9 in the course of professional practice or research in this state.

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

12 (z) "State", when applied to a part of the United States,
13 includes any state, district, commonwealth, territory, insular
14 possession thereof and any area subject to the legal authority of
15 the United States of America.

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

20 **ARTICLE 2. STANDARDS AND SCHEDULES.**

21 **§60A-2-204. Schedule I.**

22 (a) Schedule I shall consist of the drugs and other
23 substances, by whatever official name, common or usual name,

1 chemical name, or brand name designated, listed in this section.

2 (b) *Opiates*. Unless specifically excepted or unless listed
3 in another schedule, any of the following opiates, including their
4 isomers, esters, ethers, salts and salts of isomers, esters and
5 ethers, whenever the existence of such isomers, esters, ethers and
6 salts is possible within the specific chemical designation (for
7 purposes of subdivision (34) of this subsection only, the term
8 isomer includes the optical and geometric isomers):

9 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)
10 -4-piperidinyl]-N-phenylacetamide);

11 (2) Acetylmethadol;

12 (3) Allylprodine;

13 (4) Alphacetylmethadol (except levoalphacetylmethadol also
14 known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

15 (5) Alphameprodine;

16 (6) Alphamethadol;

17 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
18 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(-
19 propanilido) piperidine);

20 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-
21 4-piperidinyl]-N-phenylpropanamide);

22 (9) Benzethidine;

23 (10) Betacetylmethadol;

- 1 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-
- 2 piperidinyl]-N-phenylpropanamide);
- 3 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-
- 4 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);
- 5 (13) Betameprodine;
- 6 (14) Betamethadol;
- 7 (15) Betaprodine;
- 8 (16) Clonitazene;
- 9 (17) Dextromoramide;
- 10 (18) Diampromide;
- 11 (19) Diethylthiambutene;
- 12 (20) Difenoquin;
- 13 (21) Dimenoxadol;
- 14 (22) Dimepheptanol;
- 15 (23) Dimethylthiambutene;
- 16 (24) Dioxaphetyl butyrate;
- 17 (25) Dipipanone;
- 18 (26) Ethylmethylthiambutene;
- 19 (27) Etonitazene;
- 20 (28) Etoxadine;
- 21 (29) Furethidine;
- 22 (30) Hydroxypethidine;
- 23 (31) Ketobemidone;

- 1 (32) Levomoramide;
- 2 (33) Levophenacylmorphan;
- 3 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 4 piperidyl]-N-phenylpropanamide);
- 5 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-
- 6 piperidinyl]-N-phenylpropanamide);
- 7 (36) Morpheridine;
- 8 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 9 (38) Noracymethadol;
- 10 (39) Norlevorphanol;
- 11 (40) Normethadone;
- 12 (41) Norpipanone;
- 13 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 14 phenethyl)-4-piperidinyl] propanamide);
- 15 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 16 (44) Phenadoxone;
- 17 (45) Phenampromide;
- 18 (46) Phenomorphan;
- 19 (47) Phenoperidine;
- 20 (48) Piritramide;
- 21 (49) Proheptazine;
- 22 (50) Properidine;
- 23 (51) Propiram;

1 (52) Racemoramide;

2 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
3 piperidinyl]-propanamide);

4 (54) Tilidine;

5 (55) Trimeperidine.

6 (c) *Opium derivatives*. -- Unless specifically excepted or
7 unless listed in another schedule, any of the following opium
8 immediate derivatives, its salts, isomers and salts of isomers
9 whenever the existence of such salts, isomers and salts of isomers
10 is possible within the specific chemical designation:

11 (1) Acetorphine;

12 (2) Acetyldihydrocodeine;

13 (3) Benzylmorphine;

14 (4) Codeine methylbromide;

15 (5) Codeine-N-Oxide;

16 (6) Cyprenorphine;

17 (7) Desomorphine;

18 (8) Dihydromorphine;

19 (9) Drotebanol;

20 (10) Etorphine (except HCl Salt);

21 (11) Heroin;

22 (12) Hydromorphenol;

23 (13) Methyldesorphine;

- 1 (14) Methyldihydromorphine;
- 2 (15) Morphine methylbromide;
- 3 (16) Morphine methylsulfonate;
- 4 (17) Morphine-N-Oxide;
- 5 (18) Myrophine;
- 6 (19) Nicocodeine;
- 7 (20) Nicomorphine;
- 8 (21) Normorphine;
- 9 (22) Pholcodine;
- 10 (23) Thebacon.

11 (d) *Hallucinogenic substances.* -- Unless specifically
12 excepted or unless listed in another schedule, any material,
13 compound, mixture or preparation, which contains any quantity of
14 the following hallucinogenic substances, or which contains any of
15 its salts, isomers and salts of isomers, whenever the existence of
16 such salts, isomers, and salts of isomers is possible within the
17 specific chemical designation (for purposes of this subsection
18 only, the term "isomer" includes the optical, position and
19 geometric isomers):

- 20 (1) Alpha-ethyltryptamine; some trade or other names:
21 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-
22 aminobutyl) indole; alpha-ET; and AET;
- 23 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other

1 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-
2 2,5-DMA;

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

6 (4) 2,5-dimethoxyamphetamine; some trade or other names: 2,5-
7 dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

8 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other
9 names: DOET;

10 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:
11 2C-T-7);

12 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names: 4-
13 methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

14 ~~(7)~~ (8) 5-methyloxy-3, 4-methylenedioxy-amphetamine;

15 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and
16 other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
17 "DOM"; and "STP";

18 ~~(9)~~ (10) 3,4-methylenedioxy amphetamine;

19 ~~(10)~~ (11) 3,4-methylenedioxymethamphetamine (MDMA);

20 ~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
21 as N- ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-
22 ethyl MDA, MDE, MDEA);

23 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known

1 as N- hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and
2 N- hydroxy MDA);

3 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

4 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

5 (16) Alpha-methyltryptamine (other name:AMT);

6 ~~(14)~~ (17) Bufotenine; some trade and other names:
7 3 - (beta -Dimethylaminoethyl) - 5 - hydroxyindole; 3 - (2 -
8 dimethylaminoethyl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-
9 N,N- dimethyltryptamine; mappine;

10 ~~(15)~~ (18) Diethyltryptamine; some trade and other
11 names: N, N-Diethyltryptamine; DET;

12 ~~(16)~~ (19) Dimethyltryptamine; some trade or other names:
13 DMT;

14 (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

15 ~~(17)~~ (21) Ibogaine; some trade and other names: 7-Ethyl-6,
16 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
17 pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;

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

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

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

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

1 ~~(22)~~ (26) Peyote; meaning all parts of the plant presently
2 classified botanically as *Lophophora williamsii* Lemaire, whether
3 growing or not, the seeds thereof, any extract from any part of
4 such plant, and every compound, manufacture, salts, immediate
5 derivative, mixture or preparation of such plant, its seeds or
6 extracts;

7 ~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;

8 ~~(24)~~ (28) N-methyl-3-piperidyl benzilate;

9 ~~(25)~~ (29) Psilocybin;

10 ~~(26)~~ (30) Psilocyn;

11 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the
12 substances contained in the plant, or in the resinous extractives
13 of *Cannabis*, sp. and/or synthetic substances, immediate derivatives
14 and their isomers with similar chemical structure and
15 pharmacological activity such as the following:

16 delta-1 Cis or trans tetrahydrocannabinol, and their optical
17 isomers;

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

20 delta-3,4 Cis or trans tetrahydrocannabinol, and its optical
21 isomers;

22 (Since nomenclature of these substances is not internationally
23 standardized, compounds of these structures, regardless of

1 numerical designation of atomic positions covered.)

2 ~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade or
3 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
4 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

5 ~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade or
6 other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

7 ~~(30)~~ (34) Thiophene analog of phencyclidine; some trade or
8 other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-
9 thienyl analog of phencyclidine; TCP, TCP;

10 ~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other
11 names: TCPy.

12 ~~(32)~~ (36) Synthetic Cannabinoids as follows:

13 ~~(a)~~ (A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
14 yl)phenol {also known as CP 47,497 and homologues};

15 ~~(b)~~ (B) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-
16 2-yl)phenol {also known as CP 47,497-C8 homolog};

17 ~~(c)~~ (C) [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
18 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol]
19 {also known as HU-210};

20 ~~(d)~~ (D) (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
21 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
22 tetrahydrobenzo[c]chromen-1-ol) {also known as HU-211};

23 ~~(e)~~ (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-

- 1 018};
- 2 ~~(f)~~ (F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
- 3 ~~(g)~~ (G) (2-methyl-1-propyl-1H-indol-3-yl)-~~1-naphthalenyl~~ 1-
- 4 naphthalenyl-methanone {also known as JWH-015};
- 5 ~~(h)~~ (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also
- 6 known as JWH-019};
- 7 ~~(i)~~ (I) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-~~1-~~
- 8 ~~naphthalenyl~~ (1-naphthalenyl) methanone {also known as JWH-200};
- 9 ~~(j)~~ (J) 1-(1-pentyl-1H-indol-3-yl)-2-(~~3-hydroxyphenyl~~ 3-
- 10 methoxyphenyl)-ethanone {also known as JWH-250};
- 11 ~~(k)~~ (K) 2-((1S,2S,5S)-5-hydroxy-2-(~~3-hydroxypropyl~~ 3-
- 12 hydroxypropyl)(cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also known
- 13 as CP 55,940};
- 14 ~~(l)~~ (L) (4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-
- 15 methanone {also known as JWH-122};
- 16 ~~(m)~~ (M) (~~4-methyl-1-naphthalenyl~~)(~~1-pentyl-1H-indol-3-yl~~)(4-
- 17 chloronaphthalen-1-yl)(1-pentylindolin-3-yl)-methanone {also known
- 18 as JWH-398};
- 19 ~~(n)~~ (N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone
- 20 {also known as RCS-4};
- 21 ~~(o)~~ (O) 1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-
- 22 methoxyphenyl)ethanone {also known as RCS-8}; and
- 23 (Since nomenclature of these substances is not internationally

1 standardized, any immediate precursor or immediate derivative of
2 these substances shall be covered).

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

10 (1) Mecloqualone;

11 (2) Methaqualone;

12 (3) Gamma Hydroxybutyric Acid (GHB).

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

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

20 (2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-
21 propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and
22 norephedrone;

23 (3) Fenethylamine;

1 (4) Methcathinone, its immediate precursors and immediate
 2 derivatives, its salts, optical isomers and salts of optical
 3 isomers; some other names: (2-(methylamino)-propiophenone; alpha-
 4 (methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1- one;
 5 alpha-N-methylaminopropiophenone; monomethylpropion; 3,4-
 6 methylenedioxypropion and/or mephedrone; 3,4-
 7 methylenedioxypropion ~~(MPVD)~~ (MDPV); ephedrone; N-
 8 methylcathinone; methylcathinone; AL-464; AL-422; AL- 463 and
 9 UR1432;

10 (5) (+-) cis-4-methylaminorex; ((+-)cis-4,5-dihydro-4-methyl-
 11 5-phenyl-2-oxazolamine);

12 (6) N-ethylamphetamine;

13 (7) ~~N,N-dimethylamphetamine~~ N,N dimethylamphetamine; also
 14 known as N,N-alpha- trimethyl-benzeneethanamine; N,N-alpha-
 15 trimethylphenethylamine.

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

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

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

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

1 **§60A-2-206. Schedule II.**

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

5 (b) *Substances, vegetable origin or chemical synthesis.* --
6 Unless specifically excepted or unless listed in another schedule,
7 any of the following substances whether produced directly or
8 indirectly by extraction from substances of vegetable origin, or
9 independently by means of chemical synthesis, or by a combination
10 of extraction and chemical synthesis:

11 (1) Opium and opiate, and any salt, compound, derivative or
12 preparation of opium or opiate excluding apomorphine, thebaine-
13 derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone
14 and naltrexone, and their respective salts, but including the
15 following:

- 16 (A) Raw opium;
17 (B) Opium extracts;
18 (C) Opium fluid;
19 (D) Powdered opium;
20 (E) Granulated opium;
21 (F) Tincture of opium;
22 (G) Codeine;
23 (H) Dihydroetorphine;

- 1 ~~(H)~~ (I) Ethylmorphine;
2 ~~(I)~~ (J) Etorphine hydrochloride;
3 ~~(J)~~ (K) Hydrocodone;
4 ~~(K)~~ (L) Hydromorphone;
5 ~~(L)~~ (M) Metopon;
6 ~~(M)~~ (N) Morphine;
7 (O) Oripavine;
8 ~~(N)~~ (P) Oxycodone;
9 ~~(O)~~ (Q) Oxymorphone;
10 ~~(P)~~ (R) Thebaine.

11 (2) Any salt, compound, derivative or preparation thereof
12 which is chemically equivalent or identical with any of the
13 substances referred to in subdivision (1) of this subsection,
14 except that these substances shall not include the isoquinoline
15 alkaloids of opium;

16 (3) Opium poppy and poppy straw;

17 (4) Coca leaves and any salt, compound, derivative or
18 preparation of coca leaves (including cocaine and ecgonine and
19 their salts, isomers, derivatives and salts of isomers and
20 derivatives), and any salt, compound, derivative or preparation
21 thereof which is chemically equivalent or identical with any of
22 these substances, except that the substances shall not include
23 decocainized coca leaves or extractions of coca leaves, which

1 extractions do not contain cocaine or ecgonine;

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

5 (c) *Opiates*. -- Unless specifically excepted or unless in
6 another schedule, any of the following opiates, including its
7 isomers, esters, ethers, salts and salts of isomers, esters and
8 ethers whenever the existence of such isomers, esters, ethers and
9 salts is possible within the specific chemical designation,
10 dextrorphan and levopropoxyphene excepted:

11 (1) Alfentanil;

12 (2) Alphaprodine;

13 (3) Anileridine;

14 (4) Bezitramide;

15 (5) Bulk dextropropoxyphene (nondosage forms);

16 (6) Carfentanil;

17 (7) Dihydrocodeine;

18 (8) Diphenoxylate;

19 (9) Fentanyl;

20 (10) Isomethadone;

21 (11) Levo-alphaacetylmethadol; some other names: levo-alpha-
22 acetylmethadol, levomethadyl acetate, LAAM;

23 (12) Levomethorphan;

- 1 (13) Levorphanol;
- 2 (14) Metazocine;
- 3 (15) Methadone;
- 4 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 5 diphenyl butane;
- 6 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 7 1-diphenylpropane-carboxylic acid;
- 8 (18) Pethidine; (meperidine);
- 9 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 10 phenylpiperidine;
- 11 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
- 12 carboxylate;
- 13 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-
- 14 carboxylic acid;
- 15 (22) Phenazocine;
- 16 (23) Piminodine;
- 17 (24) Racemethorphan;
- 18 (25) Racemorphan;
- 19 (26) Remifentanil;
- 20 (27) Sufentanil;
- 21 (28) Tapentadol.
- 22 (d) *Stimulants.* -- Unless specifically excepted or unless
- 23 listed in another schedule, any material, compound, mixture or

1 preparation which contains any quantity of the following substances
2 having a stimulant effect on the central nervous system:

3 (1) Amphetamine, its salts, optical isomers and salts of its
4 optical isomers;

5 (2) Methamphetamine, its salts, isomers and salts of its
6 isomers;

7 (3) Methylphenidate;

8 (4) Phenmetrazine and its salts;

9 (5) Lisdexamfetamine.

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

17 (1) Amobarbital;

18 (2) Glutethimide;

19 (3) Pentobarbital;

20 (4) Phencyclidine;

21 (5) Secobarbital.

22 (f) Hallucinogenic substances:

23 Nabilone: [Another name for nabilone: (+)-trans-3-(1, 1-

1 dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-
2 dimethyl-9H-dibenzo [b,d] pyran-9-one].

3 (g) *Immediate precursors.* -- Unless specifically excepted or
4 unless listed in another schedule, any material, compound, mixture,
5 or preparation which contains any quantity of the following
6 substances:

7 (1) Immediate precursor to amphetamine and methamphetamine:

8 (A) Phenylacetone;

9 Some trade or other names: phenyl-2-propanone; P2P; benzyl
10 methyl ketone; methyl benzyl ketone;

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

12 (A) 1-phenylcyclohexylamine;

13 (B) 1-piperidinocyclohexanecarbonitrile (PCC);

14 (3) Immediate precursor to fentanyl:

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

16 **§60A-2-208. Schedule III.**

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

20 (b) *Stimulants.* -- Unless specifically excepted or unless
21 listed in another schedule, any material, compound, mixture or
22 preparation which contains any quantity of the following substances
23 having a stimulant effect on the central nervous system, including

1 its salts, isomers (whether optical, position or geometric), and
2 salts of such isomers whenever the existence of the salts, isomers
3 and salts of isomers is possible within the specific chemical
4 designation:

5 (1) Those compounds, mixtures or preparations in dosage unit
6 form containing any stimulant substances listed in Schedule II
7 which compounds, mixtures or preparations were listed on August 25,
8 1971, as excepted compounds under 21 C.F.R §1308.32, and any other
9 drug of the quantitative composition shown in that list for those
10 drugs or which is the same except that it contains a lesser
11 quantity of controlled substances;

12 (2) Benzphetamine;

13 (3) Chlorphentermine;

14 (4) Clortermine;

15 (5) Phendimetrazine.

16 ~~(6) Hydrocodone.~~

17 (c) *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:

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

22 (A) Amobarbital;

23 (B) Secobarbital;

1 (C) Pentobarbital; or any salt of pentobarbital and one or
2 more other active medicinal ingredients which are not listed in any
3 schedule;

4 (2) Any suppository dosage form containing:

5 (A) Amobarbital;

6 (B) Secobarbital;

7 (C) Pentobarbital; or any salt of any of these drugs and
8 approved by the food and drug administration for marketing only as
9 a suppository;

10 (3) Any substance which contains any quantity of a derivative
11 of barbituric acid or any salt of barbituric acid;

12 (4) Aprobarbital;

13 (5) Butabarbital (secbutabarbital);

14 (6) Butalbital;

15 (7) Butobarbital (butethal);

16 ~~(4)~~ (8) Chlorhexadol;

17 (9) Embutramide;

18 (10) Gamma Hydroxybutyric Acid preparations;

19 (11) Ketamine, its salts, isomers and salts of isomers [Some
20 other names for ketamine: (+-)-2-(2-chlorophenyl)-2-(methylamino)-
21 cyclohexanone];

22 ~~(5)~~ (12) Lysergic acid;

23 ~~(6)~~ (13) Lysergic acid amide;

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

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

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

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

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

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

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

23 ~~(7)~~ (G) Not more than 500 milligrams of opium per 100

1 milliliters or per 100 grams or not more than 25 milligrams per
2 dosage unit, with one or more active, nonnarcotic ingredients in
3 recognized therapeutic amounts;

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

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

10 (A) Buprenorphine.

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

17 (g) Human Growth Hormones.

18 ~~(g)~~ (h) Dronabinol (synthetic) in sesame oil and encapsulated
19 in a soft gelatin capsule in a United States food and drug
20 administration approved drug product. (Some other names for
21 dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9-
22 trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or (-)-delta-9-
23 (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) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-
13 diphenyl-3-methyl-2-propionoxybutane).

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

20 (1) Alprazolam;

21 (2) Barbital;

22 (3) Bromazepam;

23 (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;

- 1 ~~(26)~~ (28) Loprazolam;
- 2 ~~(27)~~ (29) Lorazepam;
- 3 ~~(28)~~ (30) Lormetazepam;
- 4 ~~(29)~~ (31) Mebutamate;
- 5 ~~(30)~~ (32) Medazepam;
- 6 ~~(31)~~ (33) Meprobamate;
- 7 ~~(32)~~ (34) Methohexital;
- 8 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- 9 ~~(34)~~ (36) Midazolam;
- 10 ~~(35)~~ (37) Nimetazepam;
- 11 ~~(36)~~ (38) Nitrazepam;
- 12 ~~(37)~~ (39) Nordiazepam;
- 13 ~~(38)~~ (40) Oxazepam;
- 14 ~~(39)~~ (41) Oxazolam;
- 15 ~~(40)~~ (42) Paraldehyde;
- 16 ~~(41)~~ (43) Petrichloral;
- 17 ~~(42)~~ (44) Phenobarbital;
- 18 ~~(43)~~ (45) Pinazepam;
- 19 ~~(44)~~ (46) Prazepam;
- 20 ~~(45)~~ (47) Quazepam;
- 21 ~~(46)~~ (48) Temazepam;
- 22 ~~(47)~~ (49) Tetrazepam;
- 23 ~~(48)~~ (50) Triazolam;

1 (51) Zaleplon;

2 ~~(49)~~ (52) Zolpidem;

3 (53) Zopiclone.

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

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

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

16 (2) Diethylpropion;

17 (3) Fencamfamin;

18 (4) Fenproporex;

19 (5) Mazindol;

20 (6) Mefenorex;

21 (7) Modafinil;

22 ~~(7)~~ (8) Pemoline (including organometallic complexes and
23 chelates thereof);

1 ~~(8)~~ (9) Phentermine;

2 ~~(9)~~ (10) Pipradrol;

3 (11) Sibutramine;

4 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

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

9 (1) Pentazocine;

10 (2) Butorphanol.

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

16 **§60A-2-212. Schedule V.**

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

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

1 ~~(1) Buprenorphine.~~

2 ~~(c)~~ (b) Narcotic drugs containing nonnarcotic active medicinal
3 ingredients. Any compound, mixture or preparation containing any
4 of the following narcotic drugs or their salts calculated as the
5 free anhydrous base or alkaloid in limited quantities as set forth
6 below, which shall include one or more nonnarcotic active medicinal
7 ingredients in sufficient proportion to confer upon the compound,
8 mixture or preparation valuable medicinal qualities other than
9 those possessed by the narcotic drug alone:

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

12 (2) Not more than 100 milligrams of dihydrocodeine per 100
13 milliliters or per 100 grams;

14 (3) Not more than 100 milligrams of ethylmorphine per 100
15 milliliters or per 100 grams;

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

18 (5) Not more than 100 milligrams of opium per 100 milliliters
19 or per 100 grams;

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

22 ~~(d)~~ (c) *Stimulants.* -- Unless specifically exempted or
23 excluded or unless listed in another schedule, any material,

1 compound, mixture or preparation which contains any quantity of the
2 following substances having a stimulant effect on the central
3 nervous system, including its salts, isomers and salts of isomers:

4 (1) Pyrovalerone.

5 ~~(e)~~ (d) Any compound, mixture or preparation containing as its
6 single active ingredient ephedrine, pseudoephedrine or
7 phenylpropanolamine, their salts or optical isomers, or salts of
8 optical isomers except products which are for pediatric use
9 primarily intended for administration to children under the age of
10 twelve: *Provided*, That neither the offenses set forth in section
11 four hundred one, article four of this chapter, nor the penalties
12 therein, shall be applicable to ephedrine, pseudoephedrine or
13 phenylpropanolamine which shall be subject to the provisions of
14 article ten of this chapter.

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

20 (1) Ezogabine [N-[2-amino-4-94-fluorobenzylamino)-phenyl]-
21 carbamic acid ethyl ester];

22 (2) Lacosamide [(R)-2-acetoamido- N -benzyl-3-methoxy-
23 propionamide];

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

NOTE: The purpose of this bill is to update the schedules of controlled substances in West Virginia code to match the federal schedules of controlled substances. Additionally, the bill makes a technical modification to the definitions of "immediate derivative" and "immediate precursor."

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates law that would be added.