

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 11**

6 (By Senators Stollings, Jenkins and Beach)

7 _____
8 [Originating in the Committee on the Judiciary;
9 reported March 20, 2013.]
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12
13 A BILL to amend and reenact §60A-1-101 of the Code of West
14 Virginia, 1931, as amended; to amend and reenact §60A-2-204,
15 §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said
16 code; and to amend and reenact §60A-3-308 of said code, all
17 relating generally to modifying and updating schedules of
18 controlled substances; modifying and including definitions;
19 adding and adjusting certain substances to schedules of
20 controlled substances; limiting hydrocodone prescriptions to
21 a thirty-day supply and three months without renewal; removing
22 certain substances from schedules of controlled substances;
23 and updating West Virginia schedules of controlled substances
24 to include certain substances found in the federal schedules

1 of controlled substances.

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

3 That §60A-1-101 of the Code of West Virginia, 1931, as
4 amended, be amended and reenacted; that §60A-2-204, §60A-2-206,
5 §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and
6 reenacted; and that §60A-3-308 of said code be amended and
7 reenacted, all to read as follows:

8 **ARTICLE 1. DEFINITIONS.**

9 **§60A-1-101. Definitions.**

10 As used in this act:

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

14 (1) A practitioner (or, in his or her presence, by his or her
15 authorized agent); or

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

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

22 (c) "Analogue" means a substance that, in relation to a
23 controlled substance, has a substantially similar chemical
24 structure.

1 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
2 Drugs, United States Department of Justice" or its successor
3 agency.

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

6 (f) "Counterfeit substance" means a controlled substance
7 which, or the container or labeling of which, without
8 authorization, bears the trademark, trade name or other identifying
9 mark, imprint, number or device, or any likeness thereof, of a
10 manufacturer, distributor or dispenser other than the person who in
11 fact manufactured, distributed or dispensed the substance.

12 (g) "Imitation controlled substance" means: (1) A controlled
13 substance which is falsely represented to be a different controlled
14 substance; (2) a drug or substance which is not a controlled
15 substance but which is falsely represented to be a controlled
16 substance; or (3) a controlled substance or other drug or substance
17 or a combination thereof which is shaped, sized, colored, marked,
18 imprinted, numbered, labeled, packaged, distributed or priced so as
19 to cause a reasonable person to believe that it is a controlled
20 substance.

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

1 (i) "Dispense" means to deliver a controlled substance to an
2 ultimate user or research subject by or pursuant to the lawful
3 order of a practitioner, including the prescribing, administering,
4 packaging, labeling or compounding necessary to prepare the
5 substance for that delivery.

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

7 (k) "Distribute" means to deliver, other than by administering
8 or dispensing, a controlled substance, a counterfeit substance or
9 an imitation controlled substance.

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

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

22 (n) "Immediate derivative" means a substance which ~~the "West~~
23 ~~Virginia Board of Pharmacy" has found to be and by rule designates~~
24 ~~as being~~ is the principal compound or any analogue of the parent

1 compound manufactured from a known controlled substance primarily
2 for use and which has equal or similar pharmacologic activity as
3 the parent compound which is necessary to prevent, curtail or limit
4 manufacture.

5 (o) "Immediate precursor" means a substance which ~~the "West~~
6 ~~Virginia Board of Pharmacy"~~ (hereinafter in this act referred to as
7 ~~the State Board of Pharmacy~~) has found to be and by rule designates
8 ~~as being~~ is the principal compound commonly used or produced
9 primarily for use and which is an immediate chemical intermediary
10 used or likely to be used in the manufacture of a controlled
11 substance, the control of which is necessary to prevent, curtail or
12 limit manufacture.

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

22 (1) By a practitioner as an incident to his or her
23 administering or dispensing of a controlled substance in the course
24 of his or her professional practice; or

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

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

14 (r) "Narcotic drug" means any of the following, whether
15 produced directly or indirectly by extraction from substances of
16 vegetable origin or independently by means of chemical synthesis,
17 or by a combination of extraction and chemical synthesis:

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

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

24 (3) Opium poppy and poppy straw.

1 (4) Coca leaves and any salt, compound, immediate derivative
2 or preparation of coca leaves and any salt, compound, isomer,
3 immediate derivative or preparation thereof which is chemically
4 equivalent or identical with any of these substances, but not
5 including decocainized coca leaves or extractions of coca leaves
6 which do not contain cocaine or ecgonine.

7 (s) "Opiate" means any substance having an addiction-forming
8 or addiction-sustaining liability similar to morphine or being
9 capable of conversion into a drug having addiction-forming or
10 addiction-sustaining liability. It does not include, unless
11 specifically designated as controlled under section two hundred
12 one, article two of this chapter, the dextrorotatory isomer of
13 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It
14 does not include its racemic and levorotatory forms.

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

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

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

24 (w) "Poppy straw" means all parts, except the seeds, of the

1 opium poppy after mowing.

2 (x) "Practitioner" means:

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

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

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

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

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

22 **ARTICLE 2. STANDARDS AND SCHEDULES.**

23 **§60A-2-204. Schedule I.**

24 (a) Schedule I shall consist of the drugs and other

1 substances, by whatever official name, common or usual name,
2 chemical name, or brand name designated, listed in this section.

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

10 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)
11 -4-piperidinyl]-N-phenylacetamide);

12 (2) Acetylmethadol;

13 (3) Allylprodine;

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

16 (5) Alphameprodine;

17 (6) Alphamethadol;

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

21 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-
22 4-piperidinyl]-N-phenylpropanamide);

23 (9) Benzethidine;

24 (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) Difenoazin;
- 13 (21) Dimenoxadol;
- 14 (22) Dimepheptanol;
- 15 (23) Dimethylthiambutene;
- 16 (24) Dioxaphetyl butyrate;
- 17 (25) Dipipanone;
- 18 (26) Ethylmethylthiambutene;
- 19 (27) Etonitazene;
- 20 (28) Etozeridine;
- 21 (29) Furethidine;
- 22 (30) Hydroxypethidine;
- 23 (31) Ketobemidone;
- 24 (32) Levomoramide;

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

1 piperidinyl]-propanamide);

2 (54) Tilidine;

3 (55) Trimeperidine.

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

9 (1) Acetorphine;

10 (2) Acetyldihydrocodeine;

11 (3) Benzylmorphine;

12 (4) Codeine methylbromide;

13 (5) Codeine-N-Oxide;

14 (6) Cyprenorphine;

15 (7) Desomorphine;

16 (8) Dihydromorphine;

17 (9) Drotebanol;

18 (10) Etorphine (except HCl Salt);

19 (11) Heroin;

20 (12) Hydromorphanol;

21 (13) Methyldesorphine;

22 (14) Methyldihydromorphine;

23 (15) Morphine methylbromide;

24 (16) Morphine methylsulfonate;

1 (17) Morphine-N-Oxide;

2 (18) Myrophine;

3 (19) Nicocodeine;

4 (20) Nicomorphine;

5 (21) Normorphine;

6 (22) Pholcodine;

7 (23) Thebacon.

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

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

20 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other
21 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-
22 2,5-DMA;

23 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other
24 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-

1 desmethyl DOB; 2C-B, Nexus;

2 (4) 2,5-dimethoxyamphetamine; some trade or other names:

3 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

4 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other

5 names: DOET;

6 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:

7 2C-T-7);

8 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names:

9 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

10 ~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3,

11 4-methylenedioxy-amphetamine;

12 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and

13 other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;

14 "DOM"; and "STP";

15 ~~(9)~~ (10) 3,4-methylenedioxy amphetamine;

16 ~~(10)~~ (11) 3,4-methylenedioxymethamphetamine (MDMA);

17 ~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also known as

18 N- ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl

19 MDA, MDE, MDEA);

20 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known

21 as N- hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and

22 N- hydroxy MDA);

23 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

24 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

1 (16) Alpha-methyltryptamine (other name:AMT);
2 ~~(14)~~ (17) Bufotenine; some trade and other names:
3 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoeth
4 yl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
5 dimethyltryptamine; mappine;
6 ~~(15)~~ (18) Diethyltryptamine; some trade and other names: N,
7 N-Diethyltryptamine; DET;
8 ~~(16)~~ (19) Dimethyltryptamine; some trade or other names: DMT;
9 (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
10 ~~(17)~~ (21) Ibogaine; some trade and other names: 7-Ethyl-6, 6
11 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
12 pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;
13 ~~(18)~~ (22) Lysergic acid diethylamide;
14 ~~(19)~~ (23) Marihuana;
15 ~~(20)~~ (24) Mescaline;
16 ~~(21)~~ (25) Parahexyl-7374; some trade or other names: 3-Hexyl
17 -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo
18 [b,d] pyran; Synhexyl;
19 ~~(22)~~ (26) Peyote; meaning all parts of the plant presently
20 classified botanically as Lophophora williamsii Lemaire, whether
21 growing or not, the seeds thereof, any extract from any part of
22 such plant, and every compound, manufacture, salts, immediate
23 derivative, mixture or preparation of such plant, its seeds or
24 extracts;

1 ~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;
2 ~~(24)~~ (28) N-methyl-3-piperidyl benzilate;
3 ~~(25)~~ (29) Psilocybin;
4 ~~(26)~~ (30) Psilocyn;
5 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the
6 substances contained in the plant, or in the resinous extractives
7 of Cannabis, sp. and/or synthetic substances, immediate derivatives
8 and their isomers with similar chemical structure and
9 pharmacological activity such as the following:
10 delta-1 Cis or trans tetrahydrocannabinol, and their optical
11 isomers;
12 delta-6 Cis or trans tetrahydrocannabinol, and their optical
13 isomers;
14 delta-3,4 Cis or trans tetrahydrocannabinol, and its optical
15 isomers;
16 (Since nomenclature of these substances is not internationally
17 standardized, compounds of these structures, regardless of
18 numerical designation of atomic positions covered.)
19 ~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade or
20 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
21 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
22 ~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade or
23 other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
24 ~~(30)~~ (34) Thiophene analog of phencyclidine; some trade or

1 other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
2 2-thienylanalog of phencyclidine; TPCP, TCP;
3 ~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other
4 names: TCPy.
5 ~~(32)~~ (36) Synthetic Cannabinoids as follows:
6 ~~()~~ (a) (A)
7 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) (phenol)
8 {also known as CP 47,497 and homologues};
9 ~~()~~ (b) (B)
10 rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol
11 {also known as CP 47,497-C8 homolog};
12 ~~()~~ (c) (C)
13 [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7
14 ,10,10a-tetrahydrobenzo[c]chromen-1-ol] {also known as HU-210};
15 ~~(d)~~ (D) (d e x a n a b i n o l ,
16 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
17 6a,7,10,10a-tetrahydrobenzol[c]chromen-1-ol) {also known as
18 HU-211};
19 ~~(e)~~ (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as
20 JWH-018};
21 ~~(f)~~ (F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
22 ~~(g)~~ (G) (2-methyl-1-propyl-1H-indol-3-yl)-~~1-naphthalenyl~~
23 1-naphthalenyl-methanone {also known as JWH-015};
24 ~~(h)~~ (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also

1 known as JWH-019};

2 ~~(i)~~ (I) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-
3 ~~1-naphthalenyl~~ (1-naphthalenyl) methanone {also known as JWH-200};

4 ~~(j)~~ (J) 1-(1-pentyl-1H-indol-3-yl)-2-(~~3-hydroxyphenyl~~
5 3-methoxyphenyl)-ethanone {also known as JWH-250};

6 ~~(k)~~ (K) 2-((1S,2S,5S)-5-hydroxy-2-(~~3-hydroxypropyl~~
7 3-hydroxypropyl)(cyclohexyl)-5-(2-methyloctan-2-yl)phenol {also
8 known as CP 55,940};

9 ~~(l)~~ (L) ~~(4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone~~
10 (4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)-methanone {also
11 known as JWH-122};

12 ~~(m)~~ (M) ~~(4-methyl-1-naphthalenyl)(1-pentyl-1H-indol-3-yl)~~
13 (4-chloronaphthalen-1-yl)(1-pentylindolin-3-yl)- methanone {also
14 known as JWH-398};

15 ~~(n)~~ (N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone
16 {also known as RCS-4};

17 ~~(o)~~ (O) ~~1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-methoxyphenyl)ethan~~
18 1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-methoxyphenyl)ethan
19 one {also known as RCS-8}; and

20 (P) Since nomenclature of these substances is not
21 internationally standardized, any immediate precursor or immediate
22 derivative of these substances shall be covered.

23 (e) *Depressants.* - Unless specifically excepted or unless
24 listed in another schedule, any material, compound, mixture, or

1 preparation which contains any quantity of the following substances
2 having a depressant effect on the central nervous system, including
3 its salts, isomers and salts of isomers whenever the existence of
4 such salts, isomers and salts of isomers is possible within the
5 specific chemical designation:

6 (1) Mecloqualone;

7 (2) Methaqualone;

8 (3) Gamma Hydroxybutyric Acid (GHB).

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

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

16 (2) Cathinone; some trade or other names: 2-amino-1-phenyl-1-
17 propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and
18 norephedrone;

19 (3) Fenethylamine;

20 (4) Methcathinone, its immediate precursors and immediate
21 derivatives, its salts, optical isomers and salts of optical
22 isomers; some other names: (2-(methylamino)-propiophenone;
23 alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-
24 one; alpha-N-methylaminopropiophenone; monomethylpropion;

1 3 , 4 - m e t h y l e n e d i o x y p y r o v a l e r o n e a n d / o r
2 mephedrone; 3,4-methylenedioxypropylvalerone (~~MPVD~~) (MDPV); ephedrone;
3 N-methylcathinone; methylcathinone; AL-464; AL-422; AL- 463 and
4 UR1432;

5 (5) (+-) cis-4-methylaminorex; ((+)-cis-4,5-dihydro-4-methyl-
6 5-phenyl-2-oxazolamine);

7 (6) N-ethylamphetamine;

8 (7) ~~N,N-dimethylamphetemine~~ N,N dimethylamphetamine; also
9 known as N,N-alpha- trimethyl-benzeneethanamine;
10 N,N-alpha-trimethylphenethylamine.

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

14 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
15 (benzylfentanyl), its optical isomers, salts, and salts of isomers;

16 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
17 (thenylfentanyl), its optical isomers, salts and salts of isomers;

18 or

19 ~~(8)~~ (3) N-benzylpiperazine, also known as BZP.

20 **§60A-2-206. Schedule II.**

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

24 (b) *Substances, vegetable origin or chemical synthesis.* -

1 Unless specifically excepted or unless listed in another schedule,
2 any of the following substances whether produced directly or
3 indirectly by extraction from substances of vegetable origin, or
4 independently by means of chemical synthesis, or by a combination
5 of extraction and chemical synthesis:

6 (1) Opium and opiate, and any salt, compound, derivative or
7 preparation of opium or opiate excluding apomorphine,
8 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
9 naloxone and naltrexone, and their respective salts, but including
10 the following:

- 11 (A) Raw opium;
- 12 (B) Opium extracts;
- 13 (C) Opium fluid;
- 14 (D) Powdered opium;
- 15 (E) Granulated opium;
- 16 (F) Tincture of opium;
- 17 (G) Codeine;
- 18 (H) Dihydroetorphine;
- 19 ~~(H)~~ (I) Ethylmorphine;
- 20 ~~(I)~~ (J) Etorphine hydrochloride;
- 21 ~~(J)~~ (K) Hydrocodone;
- 22 ~~(K)~~ (L) Hydromorphone;
- 23 ~~(L)~~ (M) Metopon;
- 24 ~~(M)~~ (N) Morphine;

1 (O) Oripavine;

2 ~~(N)~~ (P) Oxycodone;

3 ~~(O)~~ (Q) Oxymorphone;

4 ~~(P)~~ (R) Thebaine.

5 (2) Any salt, compound, derivative or preparation thereof
6 which is chemically equivalent or identical with any of the
7 substances referred to in subdivision (1) of this subsection,
8 except that these substances shall not include the isoquinoline
9 alkaloids of opium;

10 (3) Opium poppy and poppy straw;

11 (4) Coca leaves and any salt, compound, derivative or
12 preparation of coca leaves (including cocaine and ecgonine and
13 their salts, isomers, derivatives and salts of isomers and
14 derivatives), and any salt, compound, derivative or preparation
15 thereof which is chemically equivalent or identical with any of
16 these substances, except that the substances shall not include
17 decocainized coca leaves or extractions of coca leaves, which
18 extractions do not contain cocaine or ecgonine;

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

22 (c) *Opiates*. - Unless specifically excepted or unless in
23 another schedule, any of the following opiates, including its
24 isomers, esters, ethers, salts and salts of isomers, esters and

1 ethers whenever the existence of such isomers, esters, ethers and
2 salts is possible within the specific chemical designation,
3 dextrorphan and levopropoxyphene excepted:

- 4 (1) Alfentanil;
- 5 (2) Alphaprodine;
- 6 (3) Anileridine;
- 7 (4) Bezitramide;
- 8 (5) Bulk dextropropoxyphene (nondosage forms);
- 9 (6) Carfentanil;
- 10 (7) Dihydrocodeine;
- 11 (8) Diphenoxylate;
- 12 (9) Fentanyl;
- 13 (10) Isomethadone;
- 14 (11) Levo-alpha-acetylmethadol; some other names:
15 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 16 (12) Levomethorphan;
- 17 (13) Levorphanol;
- 18 (14) Metazocine;
- 19 (15) Methadone;
- 20 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
21 4-diphenyl butane;
- 22 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
23 1-diphenylpropane-carboxylic acid;
- 24 (18) Pethidine; (meperidine);

1 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
2 phenylpiperidine;

3 (20) P e t h i d i n e - I n t e r m e d i a t e - B ,
4 ethyl-4-phenylpiperidine-4-carboxylate;

5 (21) P e t h i d i n e - I n t e r m e d i a t e - C ,
6 1-methyl-4-phenylpiperidine-4-carboxylic acid;

7 (22) Phenazocine;

8 (23) Piminodine;

9 (24) Racemethorphan;

10 (25) Racemorphan;

11 (26) Remifentanil;

12 (27) Sufentanil;

13 (28) Tapentadol.

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

18 (1) Amphetamine, its salts, optical isomers and salts of its
19 optical isomers;

20 (2) Methamphetamine, its salts, isomers and salts of its
21 isomers;

22 (3) Methylphenidate;

23 (4) Phenmetrazine and its salts;

24 (5) Lisdexamfetamine.

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

8 (1) Amobarbital;

9 (2) Glutethimide;

10 (3) Pentobarbital;

11 (4) Phencyclidine;

12 (5) Secobarbital.

13 (f) Hallucinogenic substances:

14 Nabilone: [Another name for nabilone: (+-)-trans-3-(1,
15 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,
16 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

17 (g) *Immediate precursors*. - Unless specifically excepted or
18 unless listed in another schedule, any material, compound, mixture,
19 or preparation which contains any quantity of the following
20 substances:

21 (1) Immediate precursor to amphetamine and methamphetamine:

22 (A) Phenylacetone;

23 Some trade or other names: phenyl-2-propanone; P2P; benzyl
24 methyl ketone; methyl benzyl ketone;

- 1 (2) Immediate precursors to phencyclidine (PCP):
2 (A) 1-phenylcyclohexylamine;
3 (B) 1-piperidinocyclohexanecarbonitrile (PCC);
4 (3) Immediate precursor to fentanyl:
5 (4) 4-anilino-N-phenethyl-4-piperidine (ANPP).

6 **§60A-2-208. Schedule III.**

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

10 (b) *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 (whether optical, position or geometric), and
15 salts of such isomers whenever the existence of the salts, isomers
16 and salts of isomers is possible within the specific chemical
17 designation:

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

- 1 (2) Benzphetamine;
- 2 (3) Chlorphentermine;
- 3 (4) Clortermine;
- 4 (5) Phendimetrazine.
- 5 ~~(6) Hydrocodone.~~

6 (c) *Depressants*. - 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 depressant effect on the central nervous system:

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

11 (A) Amobarbital;

12 (B) Secobarbital;

13 (C) Pentobarbital; or any salt of pentobarbital and one or
14 more other active medicinal ingredients which are not listed in any
15 schedule;

16 (2) Any suppository dosage form containing:

17 (A) Amobarbital;

18 (B) Secobarbital;

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

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

24 (4) Aprobarbital;

1 (5) Butabarbital (secbutabarbital);
2 (6) Butalbital;
3 (7) Butobarbital (butethal);
4 ~~(4)~~ (8) Chlorhexadol;
5 (9) Embutramide;
6 (10) Gamma Hydroxybutyric Acid preparations (sodium oxybate);
7 (11) Ketamine, its salts, isomers and salts of isomers [Some
8 o t h e r n a m e s f o r k e t a m i n e :
9 (+-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];
10 ~~(5)~~ (12) Lysergic acid;
11 ~~(6)~~ (13) Lysergic acid amide;
12 ~~(7)~~ (14) Methyprylon;
13 ~~(8)~~ (15) Sulfondiethylmethane;
14 ~~(9)~~ (16) Sulfonethylmethane;
15 ~~(10)~~ (17) Sulfonmethane;
16 (18) Thiamylal;
17 (19) Thiopental;
18 ~~(11)~~ (20) Tiletamine and zolazepam or any salt of tiletamine
19 and zolazepam; some trade or other names for a tiletamine-zolazepam
20 combination product: Telazol; some trade or other names for
21 tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade
22 or other names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3,
23 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon;
24 ~~(12) Human growth hormones or anabolic steroids.~~

1 ~~Ketamine, its salts, isomers and salts of isomers, including~~
2 ~~ketamine hydrochloride.~~

3 (21) Vinbarbital.

4 (d) Nalorphine.

5 (e) *Narcotic drugs.* - Unless specifically excepted or unless
6 listed in another schedule:

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

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

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

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

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

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

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

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

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

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

19 (A) Buprenorphine.

20 (f) *Anabolic steroids.* - Unless specifically excepted or
21 unless listed in another schedule, any material, compound, mixture,
22 or preparation containing any quantity of anabolic steroids,
23 including its salts, isomers and salts of isomers whenever the
24 existence of the salts of isomers is possible within the specific

1 chemical designation.

2 (g) Human Growth Hormones.

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

9 **§60A-2-210. Schedule IV.**

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

13 (b) *Narcotic drugs.* - Unless specifically excepted or unless
14 listed in another schedule, any material, compound, mixture, or
15 preparation containing any of the following narcotic drugs, or
16 their salts calculated as the free anhydrous base or alkaloid, in
17 limited quantities as set forth below:

18 (1) Not more than 1 milligram of difenoxin and not less than
19 25 micrograms of atropine sulfate per dosage unit;

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

23 (c) *Depressants.* - Unless specifically excepted or unless
24 listed in another schedule, any material, compound, mixture or

1 preparation which contains any quantity of the following
2 substances, including its salts, isomers and salts of isomers
3 whenever the existence of such salts, isomers and salts of isomers
4 is possible within the specific chemical designation:

- 5 (1) Alprazolam;
- 6 (2) Barbital;
- 7 (3) Bromazepam;
- 8 (4) Camazepam;
- 9 (5) Carisoprodol;
- 10 (6) Chloral betaine;
- 11 (7) Chloral hydrate;
- 12 (8) Chlordiazepoxide;
- 13 (9) Clobazam;
- 14 (10) Clonazepam;
- 15 (11) Clorazepate;
- 16 (12) Clotiazepam;
- 17 (13) Cloxazolam;
- 18 (14) Delorazepam;
- 19 (15) Diazepam;
- 20 (16) Dichloralphenazone;
- 21 ~~(16)~~ (17) Estazolam;
- 22 ~~(17)~~ (18) Ethchlorvynol;
- 23 ~~(18)~~ (19) Ethinamate;
- 24 ~~(19)~~ (20) Ethyl loflazepate;

1 ~~(20)~~ (21) Fludiazepam;
2 ~~(21)~~ (22) Flunitrazepam;
3 ~~(22)~~ (23) Flurazepam;
4 (24) Fospropofol;
5 ~~(23)~~ (25) Halazepam;
6 ~~(24)~~ (26) Haloxazolam;
7 ~~(25)~~ (27) Ketazolam;
8 ~~(26)~~ (28) Loprazolam;
9 ~~(27)~~ (29) Lorazepam;
10 ~~(28)~~ (30) Lormetazepam;
11 ~~(29)~~ (31) Mebutamate;
12 ~~(30)~~ (32) Medazepam;
13 ~~(31)~~ (33) Meprobamate;
14 ~~(32)~~ (34) Methohexital;
15 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
16 ~~(34)~~ (36) Midazolam;
17 ~~(35)~~ (37) Nimetazepam;
18 ~~(36)~~ (38) Nitrazepam;
19 ~~(37)~~ (39) Nordiazepam;
20 ~~(38)~~ (40) Oxazepam;
21 ~~(39)~~ (41) Oxazolam;
22 ~~(40)~~ (42) Paraldehyde;
23 ~~(41)~~ (43) Petrichloral;
24 ~~(42)~~ (44) Phenobarbital;

- 1 ~~(43)~~ (45) Pinazepam;
- 2 ~~(44)~~ (46) Prazepam;
- 3 ~~(45)~~ (47) Quazepam;
- 4 ~~(46)~~ (48) Temazepam;
- 5 ~~(47)~~ (49) Tetrazepam;
- 6 ~~(48)~~ (50) Triazolam;
- 7 (51) Zaleplon;
- 8 ~~(49)~~ (52) Zolpidem;
- 9 (53) Zopiclone.

10 (d) *Fenfluramine*. - Any material, compound, mixture or
11 preparation which contains any quantity of the following substance,
12 including its salts, isomers (whether optical, position or
13 geometric) and salts of such isomers whenever the existence of such
14 salts, isomers and salts of isomers is possible: Fenfluramine,
15 Dexfenfluramine.

16 (e) *Stimulants*. - 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 stimulant effect on the central nervous system, including
20 its salts, isomers and salts of isomers:

- 21 (1) Cathine ((+)-norpseudoephedrine);
- 22 (2) Diethylpropion;
- 23 (3) Fencamfamin;
- 24 (4) Fenproporex;

1 (5) Mazindol;
2 (6) Mefenorex;
3 (7) Modafinil;
4 ~~(7)~~ (8) Pemoline (including organometallic complexes and
5 chelates thereof);
6 ~~(8)~~ (9) Phentermine;
7 ~~(9)~~ (10) Pipradrol;
8 (11) Sibutramine;
9 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

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

14 (1) Pentazocine;
15 (2) Butorphanol.

16 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
17 organic nitrites are controlled substances and no product
18 containing these compounds as a significant component shall be
19 possessed, bought or sold other than pursuant to a bona fide
20 prescription or for industrial or manufacturing purposes.

21 **§60A-2-212. Schedule V.**

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

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

5 ~~(1) Buprenorphine.~~

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

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

16 (2) Not more than 100 milligrams of dihydrocodeine per 100
17 milliliters or per 100 grams;

18 (3) Not more than 100 milligrams of ethylmorphine per 100
19 milliliters or per 100 grams;

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

22 (5) Not more than 100 milligrams of opium per 100 milliliters
23 or per 100 grams;

24 (6) Not more than 0.5 milligrams of difenoxin and not less

1 than 25 micrograms of atropine sulfate per dosage unit.

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

7 (1) Pyrovalerone.

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

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

23 (1) E z o g a b i n e
24 [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl

1 ester];

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

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

5 **ARTICLE 3. REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING**
6 **OF CONTROLLED SUBSTANCES.**

7 **§60A-3-308. Prescriptions.**

8 (a) Except when dispensed directly by a practitioner, other
9 than a pharmacy, to an ultimate user, no controlled substance in
10 Schedule II may be dispensed without the lawful prescription of a
11 practitioner.

12 (b) In emergency situations, as defined by rule of the said
13 appropriate department, board or agency, Schedule II drugs may be
14 dispensed upon oral prescription of a practitioner, reduced
15 promptly to writing and filed by the pharmacy. Prescription shall
16 be retained in conformity with the requirements of section three
17 hundred six of this article. No prescription for a Schedule II
18 substance may be refilled.

19 (c) Except when dispensed directly by a practitioner, other
20 than a pharmacy, to an ultimate user, a controlled substance
21 included in Schedule III or IV, which is a prescription drug as
22 determined under appropriate state or federal statute, shall not be
23 dispensed without a lawful prescription of a practitioner. The
24 prescription shall not be filled or refilled more than six months

1 after the date thereof or be refilled more than five times unless
2 renewed by the practitioner: Provided, That prescriptions for
3 products containing hydrocodone as described in paragraphs (C) and
4 (D), subdivision (1), subsection (e), section two hundred eight,
5 article two of this chapter shall not be filled for more than a one
6 month supply or filled or refilled more than three months after the
7 date of the original prescription. Such prescriptions may not be
8 refilled more than twice unless renewal by the prescription.

9 (d) (1) A controlled substance included in Schedule V shall
10 not be distributed or dispensed other than for a medicinal purpose:
11 ~~Provided, That buprenorphine shall be dispensed only by~~
12 ~~prescription pursuant to subsections (a), (b) and (c) of this~~
13 ~~section. Provided, however,~~ That the controlled substances included
14 in subsection (e), section two hundred twelve, article two of this
15 chapter shall be dispensed, sold or distributed only by a
16 physician, in a pharmacy by a pharmacist or pharmacy technician, or
17 health care professional.

18 (2) If the substance described in subsection (e), section two
19 hundred twelve, article two of this chapter is dispensed, sold or
20 distributed in a pharmacy:

21 (A) The substance shall be dispensed, sold or distributed only
22 by a pharmacist or a pharmacy technician; and

23 (B) Any person purchasing, receiving or otherwise acquiring
24 any such substance shall produce a photographic identification

1 issued by a state or federal governmental entity reflecting his or
2 her date of birth.

3 (e) Notwithstanding any provision of this code to the
4 contrary, on or after September 1, 2012, any practitioner or entity
5 prescribing or dispensing a combination of buprenorphine and
6 naloxone to treat opioid addiction shall only prescribe or dispense
7 said product in the form of sublingual film unless the sublingual
8 film is clinically contraindicated. If the prescriber or dispenser
9 determines that sublingual film is contraindicated he or she shall
10 document the reasons for not dispensing sublingual film in the
11 patient's file or chart.