

COMMITTEE SUBSTITUTE

FOR

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FOR

Senate Bill No. 11

(By Senators Stollings, Jenkins and Beach)

[Originating in the Committee on the Judiciary;
reported March 20, 2013.]

A BILL to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-3-308 of said code, all relating generally to modifying and updating schedules of controlled substances; modifying and including definitions; adding and adjusting certain substances to schedules of controlled substances; limiting hydrocodone prescriptions to a

thirty-day supply and three months without renewal; removing certain substances from schedules of controlled substances; and updating West Virginia schedules of controlled substances to include certain substances found in the 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; that §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and reenacted; and that §60A-3-308 of said code be amended and reenacted, all to read as follows:

ARTICLE 1. DEFINITIONS.

§60A-1-101. Definitions.

1 As used in this act:

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

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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
11 behalf of or at the direction of a manufacturer, distributor or
12 dispenser. It does not include a common or contract carrier,
13 public warehouseman or employee of the carrier or
14 warehouseman.

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

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

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

23 (f) “Counterfeit substance” means a controlled substance
24 which, or the container or labeling of which, without

25 authorization, bears the trademark, trade name or other
26 identifying mark, imprint, number or device, or any likeness
27 thereof, of a manufacturer, distributor or dispenser other than
28 the person who in fact manufactured, distributed or dispensed
29 the substance.

30 (g) "Imitation controlled substance" means: (1) A
31 controlled substance which is falsely represented to be a
32 different controlled substance; (2) a drug or substance which
33 is not a controlled substance but which is falsely represented
34 to be a controlled substance; or (3) a controlled substance or
35 other drug or substance or a combination thereof which is
36 shaped, sized, colored, marked, imprinted, numbered,
37 labeled, packaged, distributed or priced so as to cause a
38 reasonable person to believe that it is a controlled substance.

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

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44 (i) “Dispense” means to deliver a controlled substance to
45 an ultimate user or research subject by or pursuant to the
46 lawful order of a practitioner, including the prescribing,
47 administering, packaging, labeling or compounding
48 necessary to prepare the substance for that delivery.

49 (j) “Dispenser” means a practitioner who dispenses.

50 (k) “Distribute” means to deliver, other than by
51 administering or dispensing, a controlled substance, a
52 counterfeit substance or an imitation controlled substance.

53 (l) “Distributor” means a person who distributes.

54 (m) “Drug” means: (1) Substances recognized as drugs
55 in the official “United States Pharmacopoeia, official
56 Homeopathic Pharmacopoeia of the United States or official
57 National Formulary”, or any supplement to any of them; (2)
58 substances intended for use in the diagnosis, cure, mitigation,
59 treatment or prevention of disease in man or animals; (3)
60 substances (other than food) intended to affect the structure
61 or any function of the body of man or animals; and (4)
62 substances intended for use as a component of any article
63 specified in ~~clause~~ subdivision (1), (2) or (3) of this

64 ~~subdivision~~ subsection. It does not include devices or their
65 components, parts or accessories.

66 (n) "Immediate derivative" means a substance which ~~the~~
67 ~~"West Virginia Board of Pharmacy" has found to be and by~~
68 ~~rule designates as being~~ is the principal compound or any
69 analogue of the parent compound manufactured from a
70 known controlled substance primarily for use and which has
71 equal or similar pharmacologic activity as the parent
72 compound which is necessary to prevent, curtail or limit
73 manufacture.

74 (o) "Immediate precursor" means a substance which ~~the~~
75 ~~"West Virginia Board of Pharmacy" (hereinafter in this act~~
76 ~~referred to as the State Board of Pharmacy) has found to be~~
77 ~~and by rule designates as being~~ is the principal compound
78 commonly used or produced primarily for use and which is
79 an immediate chemical intermediary used or likely to be used
80 in the manufacture of a controlled substance, the control of
81 which is necessary to prevent, curtail or limit manufacture.

82 (p) "Manufacture" means the production, preparation,
83 propagation, compounding, conversion or processing of a

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84 controlled substance, either directly or indirectly or by
85 extraction from substances of natural origin, or independently
86 by means of chemical synthesis, or by a combination of
87 extraction and chemical synthesis, and includes any
88 packaging or repackaging of the substance or labeling or
89 relabeling of its container, except that this term does not
90 include the preparation, compounding, packaging or labeling
91 of a controlled substance:

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

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

99 (q) “Marijuana” means all parts of the plant “Cannabis
100 sativa L.”, whether growing or not; the seeds thereof; the
101 resin extracted from any part of the plant; and every
102 compound, manufacture, salt, immediate derivative, mixture

103 or preparation of the plant, its seeds or resin. It does not
104 include the mature stalks of the plant, fiber produced from
105 the stalks, oil or cake made from the seeds of the plant, any
106 other compound, manufacture, salt, immediate derivative,
107 mixture or preparation of the mature stalks (except the resin
108 extracted therefrom), fiber, oil or cake, or the sterilized seed
109 of the plant which is incapable of germination.

110 (r) "Narcotic drug" means any of the following, whether
111 produced directly or indirectly by extraction from substances
112 of vegetable origin or independently by means of chemical
113 synthesis, or by a combination of extraction and chemical
114 synthesis:

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

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

122 (3) Opium poppy and poppy straw.

123 (4) Coca leaves and any salt, compound, immediate
124 derivative or preparation of coca leaves and any salt,
125 compound, isomer, immediate derivative or preparation
126 thereof which is chemically equivalent or identical with any
127 of these substances, but not including decocainized coca
128 leaves or extractions of coca leaves which do not contain
129 cocaine or ecgonine.

130 (s) “Opiate” means any substance having an
131 addiction-forming or addiction-sustaining liability similar to
132 morphine or being capable of conversion into a drug having
133 addiction-forming or addiction-sustaining liability. It does
134 not include, unless specifically designated as controlled
135 under section two hundred one, article two of this chapter,
136 the dextrorotatory isomer of 3-methoxy-n-methylmorphinan
137 and its salts (dextromethorphan). It does not include its
138 racemic and levorotatory forms.

139 (t) “Opium poppy” means the plant of the species
140 “*Papaver somniferum* L.”, except its seeds.

141 (u) “Person” means individual, corporation, government
142 or governmental subdivision or agency, business trust, estate,
143 trust, partnership or association, or any other legal entity.

144 (v) “Placebo” means an inert medicament or preparation
145 administered or dispensed for its psychological effect, to
146 satisfy a patient or research subject or to act as a control in
147 experimental series.

148 (w) “Poppy straw” means all parts, except the seeds, of
149 the opium poppy after mowing.

150 (x) “Practitioner” means:

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

156 (2) A pharmacy, hospital or other institution licensed,
157 registered or otherwise permitted to distribute, dispense,
158 conduct research with respect to or to administer a controlled
159 substance in the course of professional practice or research in
160 this state.

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161 (y) “Production” includes the manufacture, planting,
162 cultivation, growing or harvesting of a controlled substance.

163 (z) “State”, when applied to a part of the United States,
164 includes any state, district, commonwealth, territory, insular
165 possession thereof and any area subject to the legal authority
166 of the United States of America.

167 (aa) “Ultimate user” means a person who lawfully
168 possesses a controlled substance for his or her own use or for
169 the use of a member of his or her household or for
170 administering to an animal owned by him or her or by a
171 member of his or her household.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

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

5 (b) *Opiates*. – Unless specifically excepted or unless
6 listed in another schedule, any of the following opiates,
7 including their isomers, esters, ethers, salts and salts of

8 isomers, esters and ethers, whenever the existence of such
9 isomers, esters, ethers and salts is possible within the specific
10 chemical designation (for purposes of subdivision (34) of this
11 subsection only, the term isomer includes the optical and
12 geometric isomers):

13 (1) Acetyl-alpha-methylfentanyl (N- [1- (1-methyl-2
14 -phenethyl) -4-piperidiny]-N-phenylacetamide);

15 (2) Acetylmethadol;

16 (3) Allylprodine;

17 (4) Alphacetylmethadol (except levoalphacetylmethadol
18 also known as levo-alpha-acetylmethadol, levomethadyl
19 acetate, or LAAM);

20 (5) Alphameprodine;

21 (6) Alphamethadol;

22 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-
23 phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2
24 -phenylethyl)-4-(-- propanilido) piperidine);

25 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)
26 ethyl- 4-piperidiny]-N-phenylpropanamide);

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27 (9) Benzethidine;

28 (10) Betacetylmethadol;

29 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-
30 2-phenethyl) -4- piperidiny]-N-phenylpropanamide);

31 (12) Beta-hydroxy-3-methylfentanyl (other name:
32 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-
33 phenylpropanamide);

34 (13) Betameprodine;

35 (14) Betamethadol;

36 (15) Betaprodine;

37 (16) Clonitazene;

38 (17) Dextromoramide;

39 (18) Diampromide;

40 (19) Diethylthiambutene;

41 (20) Difenoxin;

42 (21) Dimenoxadol;

43 (22) Dimepheptanol;

44 (23) Dimethylthiambutene;

45 (24) Dioxaphetyl butyrate;

46 (25) Dipipanone;

- 47 (26) Ethylmethylthiambutene;
- 48 (27) Etonitazene;
- 49 (28) Etoperidone;
- 50 (29) Furethidine;
- 51 (30) Hydroxypethidine;
- 52 (31) Ketobemidone;
- 53 (32) Levomoramide;
- 54 (33) Levophenacymorphan;
- 55 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 56 piperidyl]-N-phenylpropanamide);
- 57 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)
- 58 ethyl-4- piperidinyl]-N-phenylpropanamide);
- 59 (36) Morpheridine;
- 60 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 61 (38) Noracymethadol;
- 62 (39) Norlevorphanol;
- 63 (40) Normethadone;
- 64 (41) Norpipanone;
- 65 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 66 phenethyl)-4-piperidinyl] propanamide);

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67 (43) PEPAP(1- (-2-phenethyl)-4- phenyl- 4 - acetoxy-

68 piperidine);

69 (44) Phenadoxone;

70 (45) Phenampromide;

71 (46) Phenomorphan;

72 (47) Phenoperidine;

73 (48) Piritramide;

74 (49) Proheptazine;

75 (50) Properidine;

76 (51) Propiram;

77 (52) Racemoramide;

78 (53)Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-

79 piperidinyl]-propanamide);

80 (54) Tilidine;

81 (55) Trimeperidine.

82 (c) *Opium derivatives*. – Unless specifically excepted or

83 unless listed in another schedule, any of the following opium

84 immediate derivatives, its salts, isomers and salts of isomers

85 whenever the existence of such salts, isomers and salts of
86 isomers is possible within the specific chemical designation:

- 87 (1) Acetorphine;
- 88 (2) Acetyldihydrocodeine;
- 89 (3) Benzylmorphine;
- 90 (4) Codeine methylbromide;
- 91 (5) Codeine-N-Oxide;
- 92 (6) Cyprenorphine;
- 93 (7) Desomorphine;
- 94 (8) Dihydromorphine;
- 95 (9) Drotebanol;
- 96 (10) Etorphine (except HCl Salt);
- 97 (11) Heroin;
- 98 (12) Hydromorphenol;
- 99 (13) Methyldesorphine;
- 100 (14) Methyldihydromorphine;
- 101 (15) Morphine methylbromide;
- 102 (16) Morphine methylsulfonate;
- 103 (17) Morphine-N-Oxide;

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104 (18) Myrophine;

105 (19) Nicocodeine;

106 (20) Nicomorphine;

107 (21) Normorphine;

108 (22) Pholcodine;

109 (23) Thebacon.

110 (d) *Hallucinogenic substances*. – Unless specifically excepted
111 or unless listed in another schedule, any material, compound,
112 mixture or preparation, which contains any quantity of the
113 following hallucinogenic substances, or which contains any of its
114 salts, isomers and salts of isomers, whenever the existence of such
115 salts, isomers and salts of isomers is possible within the specific
116 chemical designation (for purposes of this subsection only, the term
117 “isomer” includes the optical, position and geometric isomers):

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

121 (2) 4-bromo-2,5-dimethoxy-amphetamine; some trade or other
122 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-
123 bromo-2,5-DMA;

124 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade
125 or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-
126 aminoethane; alpha- desmethyl DOB; 2C-B, Nexus;

127 (4) 2,5-dimethoxyamphetamine; some trade or other
128 names: 2,5-dimethoxy-alpha-methylphenethylamine;
129 2,5-DMA;

130 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or
131 other names: DOET;

132 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other
133 name: 2C-T-7);

134 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other
135 names: 4-methoxy-alpha-methylphenethylamine;
136 paramethoxyamphetamine; PMA;

137 ~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3,
138 4-methylenedioxy-amphetamine;

139 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some
140 trade and other names:

141 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;
142 “DOM”; and “STP”;

143 ~~(9)~~ (10) 3,4-methylenedioxy amphetamine;

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144 ~~(10)~~ (11) 3,4-methylenedioxymethamphetamine
145 (MDMA);

146 ~~(11)~~ (12) 3,4-methylenedioxy-N-ethylamphetamine (also
147 known as N- ethyl-alpha-methyl-3,4 (methylenedioxy)
148 phenethylamine, N-ethyl MDA, MDE, MDEA);

149 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine
150 (also known as N- hydroxy-alpha-methyl-3,4
151 (methylenedioxy) phenethylamine, and N- hydroxy MDA);

152 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

153 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
154 (16) Alpha-methyltryptamine (other name:AMT);

155 ~~(14)~~ (17) Bufotenine; some trade and other names:
156 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimeth
157 ylaminoethyl) -5-indolol; N, N-dimethylserotonin;
158 5-hydroxy-N,N- dimethyltryptamine; mappine;

159 ~~(15)~~ (18) Diethyltryptamine; some trade and other names:
160 N, N-Diethyltryptamine; DET;

161 ~~(16)~~ (19) Dimethyltryptamine; some trade or other
162 names: DMT;

- 163 (20) 5-Methoxy-N,N-diisopropyltryptamine
164 (5-MeO-DIPT);
165 ~~(17)~~ (21) Ibogaine; some trade and other names:
166 7-Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,
167 9-methano-5H- pyrido [1', 2': 1, 2] azepino [5,4-b] indole;
168 Tabernanthe iboga;
169 ~~(18)~~ (22) Lysergic acid diethylamide;
170 ~~(19)~~ (23) Marihuana;
171 ~~(20)~~ (24) Mescaline;
172 ~~(21)~~ (25) Parahexyl-7374; some trade or other names:
173 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
174 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;
175 ~~(22)~~ (26) Peyote; meaning all parts of the plant presently
176 classified botanically as *Lophophora williamsii* Lemaire,
177 whether growing or not, the seeds thereof, any extract from
178 any part of such plant, and every compound, manufacture,
179 salts, immediate derivative, mixture or preparation of such
180 plant, its seeds or extracts;
181 ~~(23)~~ (27) N-ethyl-3-piperidyl benzilate;

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182 ~~(24)~~ (28) N-methyl-3-piperidyl benzilate;

183 ~~(25)~~ (29) Psilocybin;

184 ~~(26)~~ (30) Psilocyn;

185 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of

186 the substances contained in the plant, or in the resinous

187 extractives of Cannabis, sp. and/or synthetic substances,

188 immediate derivatives and their isomers with similar

189 chemical structure and pharmacological activity such as the

190 following:

191 delta-1 Cis or trans tetrahydrocannabinol, and their

192 optical isomers;

193 delta-6 Cis or trans tetrahydrocannabinol, and their

194 optical isomers;

195 delta-3,4 Cis or trans tetrahydrocannabinol, and its

196 optical isomers;

197 (Since nomenclature of these substances is not

198 internationally standardized, compounds of these structures,

199 regardless of numerical designation of atomic positions

200 covered.)

201 ~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade
202 or other names: N-ethyl- 1-phenylcyclohexylamine,
203 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
204 ethylamine, cyclohexamine, PCE;

205 ~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade
206 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,
207 PHP;

208 ~~(30)~~ (34) Thiophene analog of phencyclidine; some trade
209 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
210 2-thienylanalog of phencyclidine; TPCP, TCP;

211 ~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some
212 other names: TCPy.

213 ~~(32)~~ (36) Synthetic Cannabinoids as follows: ~~(a)~~ (A)
214 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)(
215 phenol) {also known as CP 47,497 and homologues}; ~~(b)~~ (B)
216 rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-
217 yl)phenol {also known as CP 47,497-C8 homolog}; ~~(c)~~ (C)
218 [(6aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-

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219 2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol)] {also

220 known as HU-210};

221 (d) (D) (dexanabinol, (6a*S*,10a*S*)-9-(hydroxymethyl)-6,6-

222 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobe

223 nzol[c]chromen-1-ol) {also known as HU-211};

224 (e) (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as

225 JWH-018};

226 (f) (F) 1-Butyl-3-(1-naphthoyl)indole {also known as

227 JWH-073};

228 (g) (G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl

229 1-naphthalenyl-methanone {also known as JWH-015}; (h)

230 (h) (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-

231 methanone {also known as JWH-019};

232 (i) (I) [1-[2-(4-morpholinyl)ethyl]-1H-indol- 3-yl]-

233 ~~1-naphthalenyl~~ (1-naphthalenyl) methanone {also known as

234 JWH-200};

235 (j) (J) 1-(1-pentyl-1H-indol-3-yl)-2-(~~3-hydroxyphenyl~~

236 3-methoxyphenyl)-ethanone {also known as JWH-250};

237 ~~(k)~~ (K) 2-((1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl
238 3-hydroxypropyl)(cyclohexyl)-5-(2-methyloctan-2-yl)phenol
239 {also known as CP 55,940};

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

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

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

247 ~~(o)~~ (O) 1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-
248 methoxyphenyl)ethanone {also known as RCS-8}; and

249 (P) Since nomenclature of these substances is not
250 internationally standardized, any immediate precursor or
251 immediate derivative of these substances shall be covered.

252 (e) *Depressants*. – Unless specifically excepted or unless
253 listed in another schedule, any material, compound, mixture,
254 or preparation which contains any quantity of the following

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255 substances having a depressant effect on the central nervous
256 system, including its salts, isomers and salts of isomers
257 whenever the existence of such salts, isomers and salts of
258 isomers is possible within the specific chemical designation:

259 (1) Mecloqualone;

260 (2) Methaqualone;

261 (3) Gamma Hydroxybutyric Acid (GHB).

262 (f) *Stimulants*. – Unless specifically excepted or unless
263 listed in another schedule, any material, compound, mixture
264 or preparation which contains any quantity of the following
265 substances having a stimulant effect on the central nervous
266 system, including its salts, isomers and salts of isomers:

267 (1) Aminorex; some other names: aminoxaphen;
268 2-amino-5- phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-
269 oxazolamine;

270 (2) Cathinone; some trade or other names:
271 2-amino-1-phenyl-1- propanone, alpha-aminopropiophenone,
272 2-aminopropiophenone, and norephedrone;

273 (3) Fenethylamine;

274 (4) Methcathinone, its immediate precursors and
275 immediate derivatives, its salts, optical isomers and salts of
276 optical isomers; some other names: (2-(methylamino)-
277 propiophenone; alpha-(methylamino)propiophenone;
278 2-(methylamino)-1- phenylpropan-1- one; alpha--
279 methylaminopropiophenone; monomethylpropion;
280 3,4-methylenedioxypyrovalerone and/or mephedrone; 3,4-
281 methylenedioxypyrovalerone (~~MPVD~~) (MDPV); ephedrone;
282 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-
283 463 and UR1432;

284 (5) (+-) cis-4-methylaminorex; ((+)-cis-4,5-dihydro-4-
285 methyl- 5-phenyl-2-oxazoline);

286 (6) N-ethylamphetamine;

287 (7) ~~N,N-dimethylamphetamine~~ N,N
288 dimethylamphetamine; also known as N,N-alpha- trimethyl
289 -benzeneethanamine; N,N-alpha -trimethylphenethylamine.

290 (g) *Temporary listing of substances subject to emergency*
291 *scheduling.* – Any material, compound, mixture or

27 [Com. Sub. for Com. Sub. for S. B. No. 11]

292 preparation which contains any quantity of the following
293 substances:

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

297 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-
298 phenylpropanamide (thenylfentanyl), its optical isomers, salts
299 and salts of isomers; or

300 ~~(8)~~ (3) N-benzylpiperazine, also known as BZP.

§60A-2-206. Schedule II.

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

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

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

24 ~~(H)~~ (I) Ethylmorphine;

25 ~~(H)~~ (J) Etorphine hydrochloride;

26 ~~(J)~~ (K) Hydrocodone;

27 ~~(K)~~ (L) Hydromorphone;

28 ~~(L)~~ (M) Metopon;

29 ~~(M)~~ (N) Morphine;

30 (O) Oripavine;

29 [Com. Sub. for Com. Sub. for S. B. No. 11]

31 ~~(N)~~ (P) Oxycodone;

32 ~~(O)~~ (Q) Oxymorphone;

33 ~~(P)~~ (R) Thebaine.

34 (2) Any salt, compound, derivative or preparation thereof
35 which is chemically equivalent or identical with any of the
36 substances referred to in subdivision (1) of this subsection,
37 except that these substances shall not include the isoquinoline
38 alkaloids of opium;

39 (3) Opium poppy and poppy straw;

40 (4) Coca leaves and any salt, compound, derivative or
41 preparation of coca leaves (including cocaine and ecgonine
42 and their salts, isomers, derivatives and salts of isomers and
43 derivatives), and any salt, compound, derivative or
44 preparation thereof which is chemically equivalent or
45 identical with any of these substances, except that the
46 substances shall not include decocainized coca leaves or
47 extractions of coca leaves, which extractions do not contain
48 cocaine or ecgonine;

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

52 (c) *Opiates*. – Unless specifically excepted or unless in
53 another schedule, any of the following opiates, including its
54 isomers, esters, ethers, salts and salts of isomers, esters and
55 ethers whenever the existence of such isomers, esters, ethers
56 and salts is possible within the specific chemical designation,
57 dextrorphan and levopropoxyphene excepted:

58 (1) Alfentanil;

59 (2) Alphaprodine;

60 (3) Anileridine;

61 (4) Bezitramide;

62 (5) Bulk dextropropoxyphene (nondosage forms);

63 (6) Carfentanil;

64 (7) Dihydrocodeine;

65 (8) Diphenoxylate;

66 (9) Fentanyl;

67 (10) Isomethadone;

31 [Com. Sub. for Com. Sub. for S. B. No. 11]

68 (11) Levo-alpha-acetylmethadol; some other names:

69 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;

70 (12) Levomethorphan;

71 (13) Levorphanol;

72 (14) Metazocine;

73 (15) Methadone;

74 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-

75 4, 4-diphenyl butane;

76 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,

77 1-diphenylpropane-carboxylic acid;

78 (18) Pethidine; (meperidine);

79 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-

80 phenylpiperidine;

81 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-

82 4-carboxylate;

83 (21) Pethidine-Intermediate-C, 1-methyl-4

84 -phenylpiperidine-4-carboxylic acid;

85 (22) Phenazocine;

86 (23) Piminodine;

87 (24) Racemethorphan;

88 (25) Racemorphan;

89 (26) Remifentanil;

90 (27) Sufentanil;

91 (28) Tapentadol.

92 (d) *Stimulants*. – Unless specifically excepted or unless
93 listed in another schedule, any material, compound, mixture
94 or preparation which contains any quantity of the following
95 substances having a stimulant effect on the central nervous
96 system:

97 (1) Amphetamine, its salts, optical isomers and salts of its
98 optical isomers;

99 (2) Methamphetamine, its salts, isomers and salts of its
100 isomers;

101 (3) Methylphenidate;

102 (4) Phenmetrazine and its salts;

103 (5) Lisdexamfetamine.

104 (e) *Depressants*. – Unless specifically excepted or unless
105 listed in another schedule, any material, compound, mixture

33 [Com. Sub. for Com. Sub. for S. B. No. 11]

106 or preparation which contains any quantity of the following
107 substances having a depressant effect on the central nervous
108 system, including its salts, isomers and salts of isomers
109 whenever the existence of such salts, isomers and salts of
110 isomers is possible within the specific chemical designation:

111 (1) Amobarbital;

112 (2) Glutethimide;

113 (3) Pentobarbital;

114 (4) Phencyclidine;

115 (5) Secobarbital.

116 (f) Hallucinogenic substances:

117 Nabilone: [Another name for nabilone: (+-)-trans-3-(1,
118 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-
119 6, 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

120 (g) *Immediate precursors*. – Unless specifically excepted
121 or unless listed in another schedule, any material, compound,
122 mixture, or preparation which contains any quantity of the
123 following substances:

124 (1) Immediate precursor to amphetamine and
125 methamphetamine:

- 126 (A) Phenylacetone;
- 127 Some trade or other names: phenyl-2-propanone; P2P;
- 128 benzyl methyl ketone; methyl benzyl ketone;
- 129 (2) Immediate precursors to phencyclidine (PCP):
- 130 (A) 1-phenylcyclohexylamine;
- 131 (B) 1-piperidinocyclohexanecarbonitrile (PCC);
- 132 (3) Immediate precursor to fentanyl:
- 133 (4) 4-anilino-N-phenethyl-4-piperidine (ANPP).

§60A-2-208. Schedule III.

- 1 (a) Schedule III consists of the drugs and other
- 2 substances, by whatever official name, common or usual
- 3 name, chemical name or brand name designated, listed in this
- 4 section.
- 5 (b) *Stimulants*. – Unless specifically excepted or unless
- 6 listed in another schedule, any material, compound, mixture
- 7 or preparation which contains any quantity of the following
- 8 substances having a stimulant effect on the central nervous
- 9 system, including its salts, isomers (whether optical, position
- 10 or geometric), and salts of such isomers whenever the

11 existence of the salts, isomers and salts of isomers is possible
12 within the specific chemical designation:

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

21 (2) Benzphetamine;

22 (3) Chlorphentermine;

23 (4) Clortermine;

24 (5) Phendimetrazine.

25 ~~(6) Hydrocodone.~~

26 (c) *Depressants*. – Unless specifically excepted or unless
27 listed in another schedule, any material, compound, mixture
28 or preparation which contains any quantity of the following
29 substances having a depressant effect on the central nervous

30 system:

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

32 (A) Amobarbital;

33 (B) Secobarbital;

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

35 more other active medicinal ingredients which are not listed

36 in any schedule;

37 (2) Any suppository dosage form containing:

38 (A) Amobarbital;

39 (B) Secobarbital;

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

41 approved by the food and drug administration for marketing

42 only as a suppository;

43 (3) Any substance which contains any quantity of a

44 derivative of barbituric acid or any salt of barbituric acid;

45 (4) Aprobarbital;

46 (5) Butabarbital (secbutabarbital);

47 (6) Butalbital;

48 (7) Butobarbital (butethal);

37 [Com. Sub. for Com. Sub. for S. B. No. 11]

49 ~~(4)~~ (8) Chlorhexadol;

50 (9) Embutramide;

51 (10) Gamma Hydroxybutyric Acid preparations (sodium
52 oxybate);

53 (11) Ketamine, its salts, isomers and salts of isomers

54 [Some other names for ketamine: (+)-2-(2-chlorophenyl)-2
55 -(methylamino)-cyclohexanone];

56 ~~(5)~~ (12) Lysergic acid;

57 ~~(6)~~ (13) Lysergic acid amide;

58 ~~(7)~~ (14) Methypylon;

59 ~~(8)~~ (15) Sulfondiethylmethane;

60 ~~(9)~~ (16) Sulfonethylmethane;

61 ~~(10)~~ (17) Sulfonmethane;

62 (18) Thiamylal;

63 (19) Thiopental;

64 ~~(11)~~ (20) Tiletamine and zolazepam or any salt of
65 tiletamine and zolazepam; some trade or other names for a
66 tiletamine-zolazepam combination product: Telazol; some
67 trade or other names for tiletamine: 2-(ethylamino)-2

68 -(2-thienyl)-cyclohexanone; some trade or other names for
69 zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3, 8-
70 trimethylpyrazolo-[3,4-e] [1,4]- diazepin-7(1H)-one,
71 flupyrzapon;

72 ~~(12) Human growth hormones or anabolic steroids.~~

73 ~~Ketamine, its salts, isomers and salts of isomers,~~
74 ~~including ketamine hydrochloride.~~

75 (21) Vinbarbital.

76 (d) Nalorphine.

77 (e) *Narcotic drugs*. – Unless specifically excepted or
78 unless listed in another schedule:

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

83 (†) (A) Not more than 1.8 grams of codeine per 100
84 milliliters and not more than 90 milligrams per dosage unit,
85 with an equal or greater quantity of an isoquinoline alkaloid
86 of opium;

39 [Com. Sub. for Com. Sub. for S. B. No. 11]

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

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

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

100 ~~(5)~~ (E) Not more than 1.8 grams of dihydrocodeine per
101 100 milliliters and not more than 90 milligrams per dosage
102 unit, with one or more active, nonnarcotic ingredients in
103 recognized therapeutic amounts;

104 ~~(6)~~ (F) Not more than 300 milligrams of ethylmorphine
105 per 100 milliliters or not more than 15 milligrams per dosage

106 unit, with one or more active, nonnarcotic ingredients in
107 recognized therapeutic amounts;

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

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

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

118 (A) Buprenorphine.

119 (f) *Anabolic steroids*. – Unless specifically excepted or
120 unless listed in another schedule, any material, compound,
121 mixture, or preparation containing any quantity of anabolic
122 steroids, including its salts, isomers and salts of isomers
123 whenever the existence of the salts of isomers is possible
124 within the specific chemical designation.

125 (g) Human Growth Hormones.

126 ~~(g)~~ (h) Dronabinol (synthetic) in sesame oil and
127 encapsulated in a soft gelatin capsule in a United States food
128 and drug administration approved drug product. (Some other
129 names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-
130 tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-
131 1- ol or (-)-delta-9-(trans)-tetrahydrocannabinol).

§60A-2-210. Schedule IV.

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

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

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

12 (2) Dextropropoxyphene (alpha-(+)-4-

13 dimethylamino-1,2-diphenyl-3-methyl-2-propionyloxybutane).

14 (c) *Depressants*. – Unless specifically excepted or unless
15 listed in another schedule, any material, compound, mixture
16 or 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
19 isomers is possible within the specific chemical designation:

20 (1) Alprazolam;

21 (2) Barbitol;

22 (3) Bromazepam;

23 (4) Camazepam;

24 (5) Carisoprodol;

25 (6) Chloral betaine;

26 (7) Chloral hydrate;

27 (8) Chlordiazepoxide;

28 (9) Clobazam;

29 (10) Clonazepam;

30 (11) Clorazepate;

31 (12) Clotiazepam;

32 (13) Cloxazolam;

43 [Com. Sub. for Com. Sub. for S. B. No. 11]

33 (14) Delorazepam;

34 (15) Diazepam;

35 (16) Dichloralphenazone;

36 ~~(16)~~ (17) Estazolam;

37 ~~(17)~~ (18) Ethchlorvynol;

38 ~~(18)~~ (19) Ethinamate;

39 ~~(19)~~ (20) Ethyl loflazepate;

40 ~~(20)~~ (21) Fludiazepam;

41 ~~(21)~~ (22) Flunitrazepam;

42 ~~(22)~~ (23) Flurazepam;

43 (24) Fospropofol;

44 ~~(23)~~ (25) Halazepam;

45 ~~(24)~~ (26) Haloxazolam;

46 ~~(25)~~ (27) Ketazolam;

47 ~~(26)~~ (28) Loprazolam;

48 ~~(27)~~ (29) Lorazepam;

49 ~~(28)~~ (30) Lormetazepam;

50 ~~(29)~~ (31) Mebutamate;

51 ~~(30)~~ (32) Medazepam;

52 ~~(31)~~ (33) Meprobamate;

- 53 ~~(32)~~ (34) Methohexital;
- 54 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- 55 ~~(34)~~ (36) Midazolam;
- 56 ~~(35)~~ (37) Nimetazepam;
- 57 ~~(36)~~ (38) Nitrazepam;
- 58 ~~(37)~~ (39) Nordiazepam;
- 59 ~~(38)~~ (40) Oxazepam;
- 60 ~~(39)~~ (41) Oxazolam;
- 61 ~~(40)~~ (42) Paraldehyde;
- 62 ~~(41)~~ (43) Petrichloral;
- 63 ~~(42)~~ (44) Phenobarbital;
- 64 ~~(43)~~ (45) Pinazepam;
- 65 ~~(44)~~ (46) Prazepam;
- 66 ~~(45)~~ (47) Quazepam;
- 67 ~~(46)~~ (48) Temazepam;
- 68 ~~(47)~~ (49) Tetrazepam;
- 69 ~~(48)~~ (50) Triazolam;
- 70 (51) Zaleplon;
- 71 ~~(49)~~ (52) Zolpidem;

72 (53) Zopiclone.

73 (d) *Fenfluramine*. – Any material, compound, mixture or
74 preparation which contains any quantity of the following
75 substance, including its salts, isomers (whether optical,
76 position or geometric) and salts of such isomers whenever the
77 existence of such salts, isomers and salts of isomers is
78 possible: Fenfluramine, Dexfenfluramine.

79 (e) *Stimulants*. – Unless specifically excepted or unless
80 listed in another schedule, any material, compound, mixture
81 or preparation which contains any quantity of the following
82 substances having a stimulant effect on the central nervous
83 system, including its salts, isomers and salts of isomers:

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

85 (2) Diethylpropion;

86 (3) Fencamfamin;

87 (4) Fenproporex;

88 (5) Mazindol;

89 (6) Mefenorex;

90 (7) Modafinil;

91 ~~(7)~~ (8) Pemoline (including organometallic complexes

92 and chelates thereof);

93 ~~(8)~~ (9) Phentermine;

94 ~~(9)~~ (10) Pipradrol;

95 (11) Sibutramine;

96 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

97 (f) *Other substances.* – Unless specifically excepted or
98 unless listed in another schedule, any material, compound,
99 mixture or preparation which contains any quantity of the
100 following substances, including its salts:

101 (1) Pentazocine;

102 (2) Butorphanol.

103 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
104 organic nitrites are controlled substances and no product
105 containing these compounds as a significant component
106 shall be possessed, bought or sold other than pursuant to a
107 bona fide prescription or for industrial or manufacturing
108 purposes.

§60A-2-212. Schedule V.

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

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

9 ~~(1) Buprenorphine:~~

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

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

21 (2) Not more than 100 milligrams of dihydrocodeine per
22 100 milliliters or per 100 grams;

23 (3) Not more than 100 milligrams of ethylmorphine per
24 100 milliliters or per 100 grams;

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

28 (5) Not more than 100 milligrams of opium per 100
29 milliliters or per 100 grams;

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

32 ~~(d)~~ (c) *Stimulants*. – Unless specifically exempted or
33 excluded or unless listed in another schedule, any material,
34 compound, mixture or preparation which contains any
35 quantity of the following substances having a stimulant effect
36 on the central nervous system, including its salts, isomers and
37 salts of isomers:

38 (1) Pyrovalerone.

39 ~~(e)~~ (d) Any compound, mixture or preparation containing
40 ~~as its single active ingredient~~ ephedrine, pseudoephedrine or
41 phenylpropanolamine, their salts or optical isomers, or salts
42 of optical isomers except products which are for pediatric use
43 primarily intended for administration to children under the
44 age of twelve: *Provided*, That neither the offenses set forth
45 in section four hundred one, article four of this chapter, nor
46 the penalties therein, shall be applicable to ephedrine,
47 pseudoephedrine or phenylpropanolamine which shall be
48 subject to the provisions of article ten of this chapter.

49 (e) Depressants. – Unless specifically exempted or
50 excluded or unless listed in another schedule, any material,
51 compound, mixture, or preparation which contains any
52 quantity of the following substances having a depressant
53 effect on the central nervous system, including its salts:

54 (1) Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-
55 phenyl]-carbamic acid ethyl ester];

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

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

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

§60A-3-308. Prescriptions.

1 (a) Except when dispensed directly by a practitioner,
2 other than a pharmacy, to an ultimate user, no controlled
3 substance in Schedule II may be dispensed without the lawful
4 prescription of a practitioner.

5 (b) In emergency situations, as defined by rule of the said
6 appropriate department, board or agency, Schedule II drugs
7 may be dispensed upon oral prescription of a practitioner,
8 reduced promptly to writing and filed by the pharmacy.
9 Prescription shall be retained in conformity with the
10 requirements of section three hundred six of this article. No
11 prescription for a Schedule II substance may be refilled.

12 (c) Except when dispensed directly by a practitioner,
13 other than a pharmacy, to an ultimate user, a controlled

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14 substance included in Schedule III or IV, which is a
15 prescription drug as determined under appropriate state or
16 federal statute, shall not be dispensed without a lawful
17 prescription of a practitioner. The prescription shall not be
18 filled or refilled more than six months after the date thereof
19 or be refilled more than five times unless renewed by the
20 practitioner: Provided, That prescriptions for products
21 containing hydrocodone as described in paragraphs (C) and
22 (D), subdivision (1), subsection (e), section two hundred
23 eight, article two of this chapter shall not be filled for more
24 than a one month supply or filled or refilled more than three
25 months after the date of the original prescription. Such
26 prescriptions may not be refilled more than twice unless
27 renewal by the prescription.

28 (d) (1) A controlled substance included in Schedule V
29 shall not be distributed or dispensed other than for a
30 medicinal purpose: ~~Provided, That buprenorphine shall be~~
31 ~~dispensed only by prescription pursuant to subsections (a);~~
32 ~~(b) and (c) of this section: Provided, however, That the~~

33 controlled substances included in subsection (e), section two
34 hundred twelve, article two of this chapter shall be dispensed,
35 sold or distributed only by a physician, in a pharmacy by a
36 pharmacist or pharmacy technician, or health care
37 professional.

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

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

43 (B) Any person purchasing, receiving or otherwise
44 acquiring any such substance shall produce a photographic
45 identification issued by a state or federal governmental entity
46 reflecting his or her date of birth.

47 (e) Notwithstanding any provision of this code to the
48 contrary, on or after September 1, 2012, any practitioner or
49 entity prescribing or dispensing a combination of
50 buprenorphine and naloxone to treat opioid addiction shall
51 only prescribe or dispense said product in the form of

53 [Com. Sub. for Com. Sub. for S. B. No. 11]

52 sublingual film unless the sublingual film is clinically
53 contraindicated. If the prescriber or dispenser determines
54 that sublingual film is contraindicated he or she shall
55 document the reasons for not dispensing sublingual film in
56 the patient's file or chart.