

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 1**

4 (By Senators Stollings, Jenkins, Miller, Laird and Plymale)

5 \_\_\_\_\_  
6 [Originating in the Committee on Health and Human Resources;  
7 reported January 29, 2014.]

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10  
11 A BILL to amend and reenact §60A-1-101 of the Code of West  
12 Virginia, 1931, as amended; to amend and reenact §60A-2-204,  
13 §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said  
14 code; and to amend and reenact §60A-3-308 of said code, all  
15 relating generally to controlled substances; modifying  
16 scheduled controlled substances; modifying and including  
17 definitions; updating West Virginia schedules of controlled  
18 substances; and modifying manner in which buprenorphine and  
19 naloxone may be prescribed.

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

21 That §60A-1-101 of the Code of West Virginia, 1931, as  
22 amended, be amended and reenacted; that §60A-2-204, §60A-2-206,  
23 §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and  
24 reenacted; and that §60A-3-308 of said code be amended and  
25 reenacted, all to read as follows:

26 **ARTICLE 1. DEFINITIONS.**

1 **§60A-1-101. Definitions.**

2 As used in this act:

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

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

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

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

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

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

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

22 (f) "Counterfeit substance" means a controlled substance  
23 which, or the container or labeling of which, without  
24 authorization, bears the trademark, trade name or other identifying  
25 mark, imprint, number or device, or any likeness thereof, of a  
26 manufacturer, distributor or dispenser other than the person who in

1 fact manufactured, distributed or dispensed the substance.

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

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

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

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

21 (k) "Distribute" means to deliver, other than by administering  
22 or dispensing, a controlled substance, a counterfeit substance or  
23 an imitation controlled substance.

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

25 (m) "Drug" means: (1) Substances recognized as drugs in the  
26 official "United States Pharmacopoeia, official Homeopathic

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

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

17 (o) "Immediate precursor" means a substance which ~~the "West~~  
18 ~~Virginia Board of Pharmacy" (hereinafter in this act referred to as~~  
19 ~~the State Board of Pharmacy) has found to be and by rule designates~~  
20 ~~as being~~ is the principal compound commonly used or produced  
21 primarily for use and which is an immediate chemical intermediary  
22 used or likely to be used in the manufacture of a controlled  
23 substance, the control of which is necessary to prevent, curtail or  
24 limit manufacture.

25 (p) "Manufacture" means the production, preparation,  
26 propagation, compounding, conversion or processing of a controlled

1 substance, either directly or indirectly or by extraction from  
2 substances of natural origin, or independently by means of chemical  
3 synthesis, or by a combination of extraction and chemical  
4 synthesis, and includes any packaging or repackaging of the  
5 substance or labeling or relabeling of its container, except that  
6 this term does not include the preparation, compounding, packaging  
7 or labeling of a controlled substance:

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

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

14       (q) "Marijuana" means all parts of the plant "Cannabis sativa  
15 L.", whether growing or not; the seeds thereof; the resin extracted  
16 from any part of the plant; and every compound, manufacture, salt,  
17 immediate derivative, mixture or preparation of the plant, its  
18 seeds or resin. It does not include the mature stalks of the  
19 plant, fiber produced from the stalks, oil or cake made from the  
20 seeds of the plant, any other compound, manufacture, salt,  
21 immediate derivative, mixture or preparation of the mature stalks  
22 (except the resin extracted therefrom), fiber, oil or cake, or the  
23 sterilized seed of the plant which is incapable of germination.

24       (r) "Narcotic drug" means any of the following, whether  
25 produced directly or indirectly by extraction from substances of  
26 vegetable origin or independently by means of chemical synthesis,

1 or by a combination of extraction and chemical synthesis:

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

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

8 (3) Opium poppy and poppy straw.

9 (4) Coca leaves and any salt, compound, immediate derivative  
10 or preparation of coca leaves and any salt, compound, isomer,  
11 immediate derivative or preparation thereof which is chemically  
12 equivalent or identical with any of these substances, but not  
13 including decocainized coca leaves or extractions of coca leaves  
14 which do not contain cocaine or ecgonine.

15 (s) "Opiate" means any substance having an addiction-forming  
16 or addiction-sustaining liability similar to morphine or being  
17 capable of conversion into a drug having addiction-forming or  
18 addiction-sustaining liability. It does not include, unless  
19 specifically designated as controlled under section two hundred  
20 one, article two of this chapter, the dextrorotatory isomer of  
21 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It  
22 does not include its racemic and levorotatory forms.

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

25 (u) "Person" means individual, corporation, government or  
26 governmental subdivision or agency, business trust, estate, trust,

1 partnership or association, or any other legal entity.

2 (v) "Placebo" means an inert medicament or preparation  
3 administered or dispensed for its psychological effect, to satisfy  
4 a patient or research subject or to act as a control in  
5 experimental series.

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

8 (x) "Practitioner" means:

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

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

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

20 (z) "State", when applied to a part of the United States,  
21 includes any state, district, commonwealth, territory, insular  
22 possession thereof and any area subject to the legal authority of  
23 the United States of America.

24 (aa) "Ultimate user" means a person who lawfully possesses a  
25 controlled substance for his or her own use or for the use of a  
26 member of his or her household or for administering to an animal

1 owned by him or her or by a member of his or her household.

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

3 **§60A-2-204. Schedule I.**

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

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

14 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)  
15 -4-piperidinyl]-N-phenylacetamide);

16 (2) Acetylmethadol;

17 (3) Allylprodine;

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

20 (5) Alphameprodine;

21 (6) Alphamethadol;

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

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



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

1 (33) Levophenacylmorphan;  
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-  
25 piperidinyl]-propanamide);  
26 (54) Tilidine;

1 (55) Trimeperidine.

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

7 (1) Acetorphine;

8 (2) Acetyldihydrocodeine;

9 (3) Benzylmorphine;

10 (4) Codeine methylbromide;

11 (5) Codeine-N-Oxide;

12 (6) Cyprenorphine;

13 (7) Desomorphine;

14 (8) Dihydromorphine;

15 (9) Drotebanol;

16 (10) Etorphine (except HCl Salt);

17 (11) Heroin;

18 (12) Hydromorphanol;

19 (13) Methyldesorphine;

20 (14) Methyldihydromorphine;

21 (15) Morphine methylbromide;

22 (16) Morphine methylsulfonate;

23 (17) Morphine-N-Oxide;

24 (18) Myrophine;

25 (19) Nicocodeine;

26 (20) Nicomorphine;

1 (21) Normorphine;

2 (22) Pholcodine;

3 (23) Thebacon.

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

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

16 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other  
17 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-  
18 2,5-DMA;

19 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other  
20 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-  
21 desmethyl DOB; 2C-B, Nexus;

22 (4) 2,5-dimethoxyamphetamine; some trade or other names:  
23 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

24 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other  
25 names: DOET;

26 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:

1 2C-T-7);

2 ~~(6)~~ (7) 4-methoxyamphetamine; some trade or other names:

3 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

4 ~~(7)~~ (8) ~~5-methoxy-3~~ 5-methoxy-3,

5 4-methylenedioxy-amphetamine;

6 ~~(8)~~ (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and

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

8 "DOM"; and "STP";

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

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

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

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

13 N-ethyl MDA, MDE, MDEA);

14 ~~(12)~~ (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known

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

16 N- hydroxy MDA);

17 ~~(13)~~ (14) 3,4,5-trimethoxy amphetamine;

18 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

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

20 ~~(14)~~ (17) Bufotenine; some trade and other names:

21 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoeth

22 yl) -5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-

23 dimethyltryptamine; mappine;

24 ~~(15)~~ (18) Diethyltryptamine; some trade and other

25 names: N, N-Diethyltryptamine; DET;

26 ~~(16)~~ (19) Dimethyltryptamine; some trade or other names:

1 DMT;

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

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

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

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

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

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

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

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

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

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

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

22 ~~(27)~~ (31) Tetrahydrocannabinols; synthetic equivalents of the  
23 substances contained in the plant, or in the resinous extractives  
24 of Cannabis, sp. and/or synthetic substances, immediate derivatives  
25 and their isomers with similar chemical structure and  
26 pharmacological activity such as the following:

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

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

5 delta-3,4 Cis or trans tetrahydrocannabinol, and its optical  
6 isomers;

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

10 ~~(28)~~ (32) Ethylamine analog of phencyclidine; some trade or  
11 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)  
12 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

13 ~~(29)~~ (33) Pyrrolidine analog of phencyclidine; some trade or  
14 other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

15 ~~(30)~~ (34) Thiophene analog of phencyclidine; some trade or  
16 other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,  
17 2-thienyl analog of phencyclidine; TPCP, TCP;

18 ~~(31)~~ (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other  
19 names: TCPy.

20 ~~(32)~~ (36) Synthetic Cannabinoids as follows:

21  $\left( \text{--- a ---} \right) \text{---} \left( \text{--- A ---} \right)$   
22 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) (phenol)  
23 {also known as CP 47,497 and homologues};

24  $\left( \text{--- b ---} \right) \text{---} \left( \text{--- B ---} \right)$   
25 rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol  
26 {also known as CP 47,497-C8 homolog};





1 known as JWH-398};

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

4 ~~( )~~ ( )

5 1-(1-(2-cyclohexylethyl)-(1H-indol-3-yl)-2-(2-methoxyphenyl)ethan  
6 one {also known as RCS-8}; and

7 (Since nomenclature of these substances is not internationally  
8 standardized, any immediate precursor or immediate derivative of  
9 these substances shall be covered).

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

17 (1) Mecloqualone;

18 (2) Methaqualone;

19 (3) Gamma Hydroxybutyric Acid (GHB).

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

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

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

4 (3) Fenethylamine;

5 (4) Methcathinone, its immediate precursors and immediate  
6 derivatives, its salts, optical isomers and salts of optical  
7 isomers; some other names: (2-(methylamino)-propylphenone;  
8 alpha-(methylamino)propylphenone; 2-(methylamino)-1-phenylpropan-1-  
9 one; alpha-N-methylaminopropylphenone; monomethylpropion;  
10 3,4-methylenedioxypropylvalerone and/or  
11 mephedrone; 3,4-methylenedioxypropylvalerone ~~(MPVD)~~ (MDPV); ephedrone;  
12 N-methylcathinone; methylcathinone; AL-464; AL-422; AL- 463 and  
13 UR1432;

14 (5) (+-) cis-4-methylaminorex; ((+)-cis-4,5-dihydro-4-methyl-  
15 5-phenyl-2-oxazoline);

16 (6) N-ethylamphetamine;

17 (7) ~~N,N-dimethylamphetamine~~ N,N dimethylamphetamine; also  
18 known as N,N-alpha-trimethyl-benzeneethanamine;  
19 N,N-alpha-trimethylphenethylamine.

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

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

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

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

2 **§60A-2-206. Schedule II.**

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

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

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

17 (A) Raw opium;

18 (B) Opium extracts;

19 (C) Opium fluid;

20 (D) Powdered opium;

21 (E) Granulated opium;

22 (F) Tincture of opium;

23 (G) Codeine;

24 (H) Dihydroetorphine;

25 ~~(H)~~ (I) Ethylmorphine;

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

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

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

14       (3) Opium poppy and poppy straw;

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

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

26       (c) *Opiates*. -- Unless specifically excepted or unless in

1 another schedule, any of the following opiates, including its  
2 isomers, esters, ethers, salts and salts of isomers, esters and  
3 ethers whenever the existence of such isomers, esters, ethers and  
4 salts is possible within the specific chemical designation,  
5 dextrorphan and levopropoxyphene excepted:

- 6 (1) Alfentanil;
- 7 (2) Alphaprodine;
- 8 (3) Anileridine;
- 9 (4) Bezitramide;
- 10 (5) Bulk dextropropoxyphene (nondosage forms);
- 11 (6) Carfentanil;
- 12 (7) Dihydrocodeine;
- 13 (8) Diphenoxylate;
- 14 (9) Fentanyl;
- 15 (10) Isomethadone;
- 16 (11) Levo-alpha-acetylmethadol; some other names:  
17 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 18 (12) Levomethorphan;
- 19 (13) Levorphanol;
- 20 (14) Metazocine;
- 21 (15) Methadone;
- 22 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,  
23 4-diphenyl butane;
- 24 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,  
25 1-diphenylpropane-carboxylic acid;
- 26 (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.

25 (e) *Depressants.* -- Unless specifically excepted or unless  
26 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) Amobarbital;

7 (2) Glutethimide;

8 (3) Pentobarbital;

9 (4) Phencyclidine;

10 (5) Secobarbital.

11 (f) Hallucinogenic substances:

12 Nabilone: [Another name for nabilone: (+-)-trans-3-(1,  
13 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,  
14 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

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

19 (1) Immediate precursor to amphetamine and methamphetamine:

20 (A) Phenylacetone;

21 Some trade or other names: phenyl-2-propanone; P2P; benzyl  
22 methyl ketone; methyl benzyl ketone;

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

24 (A) 1-phenylcyclohexylamine;

25 (B) 1-piperidinocyclohexanecarbonitrile (PCC);

26 (3) Immediate precursor to fentanyl:

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

2    **§60A-2-208.    Schedule III.**

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

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

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

21        (2) Benzphetamine;

22        (3) Chlorphentermine;

23        (4) Clortermine;

24        (5) Phendimetrazine.

25        (6) Hydrocodone.

26        (c) *Depressants.* -- Unless specifically excepted or unless



1 listed in another schedule, any material, compound, mixture or  
2 preparation which contains any quantity of the following substances  
3 having a depressant effect on the central nervous system:

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

5 (A) Amobarbital;

6 (B) Secobarbital;

7 (C) Pentobarbital; or any salt of pentobarbital and one or  
8 more other active medicinal ingredients which are not listed in any  
9 schedule;

10 (2) Any suppository dosage form containing:

11 (A) Amobarbital;

12 (B) Secobarbital;

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

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

18 (4) Aprobarbital;

19 (5) Butabarbital (secbutabarbital);

20 (6) Butalbital;

21 (7) Butobarbital (butethal);

22 ~~(4)~~ (8) Chlorhexadol;

23 (9) Embutramide;

24 (10) Gamma Hydroxybutyric Acid preparations;

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

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

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

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

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

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

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

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

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

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

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

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

7       (A) Buprenorphine.

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

14       (g) Human Growth Hormones.

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

21 **§60A-2-210. Schedule IV.**

22       (a) Schedule IV 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.

25       (b) *Narcotic drugs.* Unless specifically excepted or unless  
26 listed in another schedule, any material, compound, mixture, or

1 preparation containing any of the following narcotic drugs, or  
2 their salts calculated as the free anhydrous base or alkaloid, in  
3 limited quantities as set forth below:

4 (1) Not more than 1 milligram of difenoxin and not less than  
5 25 micrograms of atropine sulfate per dosage unit;

6 ( 2 ) D e x t r o p r o p o x y p h e n e  
7 (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybuta  
8 ne).

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

- 15 (1) Alprazolam;
- 16 (2) Barbital;
- 17 (3) Bromazepam;
- 18 (4) Camazepam;
- 19 (5) Carisoprodol;
- 20 (6) Chloral betaine;
- 21 (7) Chloral hydrate;
- 22 (8) Chlordiazepoxide;
- 23 (9) Clobazam;
- 24 (10) Clonazepam;
- 25 (11) Clorazepate;
- 26 (12) Clotiazepam;

- 1 (13) Cloxazolam;
- 2 (14) Delorazepam;
- 3 (15) Diazepam;
- 4 (16) Dichloralphenazone;
- 5 ~~(16)~~ (17) Estazolam;
- 6 ~~(17)~~ (18) Ethchlorvynol;
- 7 ~~(18)~~ (19) Ethinamate;
- 8 ~~(19)~~ (20) Ethyl loflazepate;
- 9 ~~(20)~~ (21) Fludiazepam;
- 10 ~~(21)~~ (22) Flunitrazepam;
- 11 ~~(22)~~ (23) Flurazepam;
- 12 (24) Fospropofol;
- 13 ~~(23)~~ (25) Halazepam;
- 14 ~~(24)~~ (26) Haloxazolam;
- 15 ~~(25)~~ (27) Ketazolam;
- 16 ~~(26)~~ (28) Loprazolam;
- 17 ~~(27)~~ (29) Lorazepam;
- 18 ~~(28)~~ (30) Lormetazepam;
- 19 ~~(29)~~ (31) Mebutamate;
- 20 ~~(30)~~ (32) Medazepam;
- 21 ~~(31)~~ (33) Meprobamate;
- 22 ~~(32)~~ (34) Methohexital;
- 23 ~~(33)~~ (35) Methylphenobarbital (mephobarbital);
- 24 ~~(34)~~ (36) Midazolam;
- 25 ~~(35)~~ (37) Nimetazepam;
- 26 ~~(36)~~ (38) Nitrazepam;

- 1        ~~(37)~~ (39) Nordiazepam;
- 2        ~~(38)~~ (40) Oxazepam;
- 3        ~~(39)~~ (41) Oxazolam;
- 4        ~~(40)~~ (42) Paraldehyde;
- 5        ~~(41)~~ (43) Petrichloral;
- 6        ~~(42)~~ (44) Phenobarbital;
- 7        ~~(43)~~ (45) Pinazepam;
- 8        ~~(44)~~ (46) Prazepam;
- 9        ~~(45)~~ (47) Quazepam;
- 10       ~~(46)~~ (48) Temazepam;
- 11       ~~(47)~~ (49) Tetrazepam;
- 12       ~~(48)~~ (50) Triazolam;
- 13       (51) Zaleplon;
- 14       ~~(49)~~ (52) Zolpidem;
- 15       (53) Zopiclone.

16        (d) *Fenfluramine*. -- Any material, compound, mixture or  
17 preparation which contains any quantity of the following substance,  
18 including its salts, isomers (whether optical, position or  
19 geometric) and salts of such isomers whenever the existence of such  
20 salts, isomers and salts of isomers is possible: Fenfluramine,  
21 Dexfenfluramine.

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

- 1 (1) Cathine ((+)-norpseudoephedrine);  
2 (2) Diethylpropion;  
3 (3) Fencamfamin;  
4 (4) Fenproporex;  
5 (5) Mazindol;  
6 (6) Mefenorex;  
7 (7) Modafinil;  
8 ~~(7)~~ (8) Pemoline (including organometallic complexes and  
9 chelates thereof);  
10 ~~(8)~~ (9) Phentermine;  
11 ~~(9)~~ (10) Pipradrol;  
12 (11) Sibutramine;  
13 ~~(10)~~ (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

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

- 18 (1) Pentazocine;  
19 (2) Butorphanol.

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

25 **§60A-2-212. Schedule V.**

26 (a) Schedule V 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) Narcotic drugs. — Unless specifically excepted or unless~~  
4 ~~listed in another schedule, any material, compound, mixture or~~  
5 ~~preparation containing any of the following narcotic drugs and~~  
6 ~~their salts, as set forth below:~~

7 ~~(1) Buprenorphine.~~

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

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

18 (2) Not more than 100 milligrams of dihydrocodeine per 100  
19 milliliters or per 100 grams;

20 (3) Not more than 100 milligrams of ethylmorphine per 100  
21 milliliters or per 100 grams;

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

24 (5) Not more than 100 milligrams of opium per 100 milliliters  
25 or per 100 grams;

26 (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  
19 or unless listed in another schedule, any material, compound,  
20 mixture, or preparation which contains any quantity of the  
21 following substances having a depressant effect on the central  
22 nervous system, including its salts:

23 ( 1 ) E z o g a b i n e  
24 [N-[2-amino-4-94-fluorobenzylamino)-phenyl]-carbamic acid ethyl  
25 ester];

26 ( 2 ) L a c o s a m i d e [ ( R ) - 2 - a c e t o a m i d o - N

1 -benzyl-3-methoxy-propionamide];

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

3 **§60A-3-308. Prescriptions.**

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

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

15 (c) Except when dispensed directly by a practitioner, other  
16 than a pharmacy, to an ultimate user, a controlled substance  
17 included in Schedule III or IV, which is a prescription drug as  
18 determined under appropriate state or federal statute, shall not be  
19 dispensed without a lawful prescription of a practitioner. The  
20 prescription shall not be filled or refilled more than six months  
21 after the date thereof or be refilled more than five times unless  
22 renewed by the practitioner.

23 (d) (1) A controlled substance included in Schedule V shall  
24 not be distributed or dispensed other than for a medicinal purpose:  
25 *Provided*, That buprenorphine shall be dispensed only by  
26 prescription pursuant to subsections (a), (b) and (c) of this

1 section: *Provided, however,* That the controlled substances included  
2 in subsection (e), section two hundred twelve, article two of this  
3 chapter shall be dispensed, sold or distributed only by a  
4 physician, in a pharmacy by a pharmacist or pharmacy technician, or  
5 health care professional.

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

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

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

15 (e) Notwithstanding any provision of this code to the  
16 contrary, ~~on or after September 1, 2012,~~ any practitioner or entity  
17 prescribing or dispensing a combination of buprenorphine and  
18 naloxone to treat opioid addiction shall ~~only~~ not prescribe or  
19 dispense said product in the form of sublingual film unless the  
20 sublingual film is clinically ~~contraindicated~~ necessary. If the  
21 prescriber or dispenser determines that sublingual film is  
22 ~~contraindicated~~ clinically necessary he or she shall document the  
23 reasons for ~~not~~ dispensing sublingual film in the  
24 patient's file or chart.