

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 4728

(BY DELEGATES ELLINGTON, SUMMERS

AND HOUSEHOLDER)

[Originating in the Committee on Health and
Human Resources; reported on February 23, 2016]

1 A BILL to amend and reenact §60A-2-208 of the Code of West Virginia, 1931, as amended,
 2 relating to schedule three controlled substances; designating human chorionic
 3 gonadotropin as a schedule three controlled substance; and allowing human chorionic
 4 gonadotropin solely for injection or implantation in cattle and other nonhuman species.

Be it enacted by the Legislature of West Virginia:

1 That §60A-2-208 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-208. Schedule III.

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

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

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

13 (2) Benzphetamine;

14 (3) Chlorphentermine;

15 (4) Clortermine;

16 (5) Phendimetrazine.

17 (c) *Depressants*. — Unless specifically excepted or unless listed in another schedule, any
18 material, compound, mixture or preparation which contains any quantity of the following
19 substances having a depressant effect on the central nervous system:

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

21 (A) Amobarbital;

22 (B) Secobarbital;

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

25 (2) Any suppository dosage form containing:

26 (A) Amobarbital;

27 (B) Secobarbital;

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

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

32 (4) Aprobarbital;

33 (5) Butabarbital (secbutabarbital);

34 (6) Butalbital (including, but not limited to, Fioricet);

35 (7) Butobarbital (butethal);

36 (8) Chlorhexadol;

37 (9) Embutramide;

38 (10) Gamma Hydroxybutyric Acid preparations;

39 (11) Ketamine, its salts, isomers and salts of isomers [Some other names for ketamine:
40 (+-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];

41 (12) Lysergic acid;

42 (13) Lysergic acid amide;

- 43 (14) Methypylon;
- 44 (15) Sulfondiethylmethane;
- 45 (16) Sulfonethylmethane;
- 46 (17) Sulfonmethane;
- 47 (18) Thiamylal;
- 48 (19) Thiopental;
- 49 (20) Tiletamine and zolazepam or any salt of tiletamine and zolazepam; some trade or
50 other names for a tiletamine-zolazepam combination product: Telazol; some trade or other names
51 for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade or other names for
52 zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3, 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-
53 one, flupyrazapon; and
- 54 (21) Vinbarbital.
- 55 (d) Nalorphine.
- 56 (e) *Narcotic drugs*. — Unless specifically excepted or unless listed in another schedule:
57 (1) Any material, compound, mixture or preparation containing any of the following narcotic
58 drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
59 forth below:
 - 60 (A) Not more than 1.8 grams of codeine per 100 milliliters and not more than 90 milligrams
61 per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
 - 62 (B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams
63 per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
64 amounts;
 - 65 (C) Not more than 1.8 grams of dihydrocodeine per 100 milliliters and not more than 90
66 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
67 therapeutic amounts;

68 (D) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15
69 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
70 therapeutic amounts;

71 (E) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more
72 than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
73 therapeutic amounts;

74 (F) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one
75 or more active, nonnarcotic ingredients in recognized therapeutic amounts.

76 (2) Any material, compound, mixture or preparation containing buprenorphine or its salts
77 (including, but not limited to, Suboxone).

78 (f) *Anabolic steroids*. — Unless specifically excepted or unless listed in another schedule,
79 any material, compound, mixture, or preparation containing any quantity of anabolic steroids,
80 including its salts, isomers and salts of isomers whenever the existence of the salts of isomers is
81 possible within the specific chemical designation.

82 (g) Human growth hormones.

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

87 (i) Human chorionic gonadotropin, except when used for injection or implantation in cattle
88 or any other nonhuman species and when that use is approved by the Food and Drug
89 Administration.

NOTE: The purpose of this bill is to designate human chorionic gonadotropin as a schedule three substance except when used for injection or implantation in cattle and other nonhuman species.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.