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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Committee Substitute for
SENATE BILL NO. 64

(By Senator Wagner)



PASSED March 9 1994
In Effect 90 days from Passage

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 64

(SENATOR WAGNER, *original sponsor*)

[Passed March 9, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact sections two hundred eight and two hundred ten, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to updating the uniform controlled substances act.

Be it enacted by the Legislature of West Virginia:

That sections two hundred eight and two hundred ten, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-208. Schedule III.

- 1 (a) Schedule III shall consist of the drugs and other
2 substances, by whatever official name, common or
3 usual name, chemical name or brand name designat-
4 ed, listed in this section.
- 5 (b) *Stimulants.* — Unless specifically excepted or
6 unless listed in another schedule, any material, com-
7 pound, mixture or preparation which contains any
8 quantity of the following substances having a stimu-

9 lant effect on the central nervous system, including its
10 salts, isomers (whether optical, position or geometric),
11 and salts of such isomers whenever the existence of
12 such salts, isomers and salts of isomers is possible
13 within the specific chemical designation:

14 (1) Those compounds, mixtures or preparations in
15 dosage unit form containing any stimulant substances
16 listed in Schedule II which compounds, mixtures or
17 preparations were listed on the twenty-fifth day of
18 August, one thousand nine hundred seventy-one, as
19 excepted compounds under §308.32, and any other drug
20 of the quantitative composition shown in that list for
21 those drugs or which is the same except that it
22 contains a lesser quantity of controlled substances;

23 (2) Benzphetamine;

24 (3) Chlorphentermine;

25 (4) Clortermine;

26 (5) Phendimetrazine;

27 (6) Hydrocodone.

28 (c) *Depressants*. — Unless specifically excepted or
29 unless listed in another schedule, any material, com-
30 pound, mixture or preparation which contains any
31 quantity of the following substances having a depres-
32 sant effect on the central nervous system:

33 (1) Any compound, mixture or preparation
34 containing:

35 (A) Amobarbital;

36 (B) Secobarbital;

37 (C) Pentobarbital; or any salt thereof and one or
38 more other active medicinal ingredients which are not
39 listed in any schedule;

40 (2) Any suppository dosage form containing:

41 (A) Amobarbital;

42 (B) Secobarbital;

43 (C) Pentobarbital; or any salt of any of these drugs

44 and approved by the food and drug administration for
45 marketing only as a suppository;

46 (3) Any substance which contains any quantity of a
47 derivative of barbituric acid or any salt thereof;

48 (4) Chlorhexadol;

49 (5) Glutethimide;

50 (6) Lysergic acid;

51 (7) Lysergic acid amide;

52 (8) Methyprylon;

53 (9) Sulfondiethylmethane;

54 (10) Sulfonethylmethane;

55 (11) Sulfonmethane;

56 (12) Tiletamine and zolazepam or any salt thereof;
57 some trade or other names for a tiletamine-zolazepam
58 combination product: Telazol; some trade or other
59 names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-
60 cyclohexanone; some trade or other names for zolaze-
61 pam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3, 8-trimethylpy-
62 razolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon;

63 (13) Human growth hormones or anabolic steroids.

64 (d) *Nalorphine*.

65 (e) *Narcotic drugs*. — Unless specifically excepted or
66 unless listed in another schedule, any material, com-
67 pound, mixture or preparation containing limited
68 quantities of any of the following narcotic drugs or any
69 salts thereof:

70 (1) Not more than 1.8 grams of codeine per 100
71 milliliters and not more than 90 milligrams per dosage
72 unit, with an equal or greater quantity of an isoquin-
73 oline alkaloid of opium;

74 (2) Not more than 1.8 grams of codeine per 100
75 milliliters and not more than 90 milligrams per dosage
76 unit, with one or more active, nonnarcotic ingredients
77 in recognized therapeutic amounts;

78 (3) Not more than 300 milligrams of dihydrocodei-
79 none or hydrocodone per 100 milliliters and not more
80 than 15 milligrams per dosage unit, with a fourfold or
81 greater quantity of an isoquinoline alkaloid of opium;

82 (4) Not more than 300 milligrams of dihydrocodei-
83 none or hydrocodone per 100 milliliters and not more
84 than 15 milligrams per dosage unit, with one or more
85 active, nonnarcotic ingredients in recognized thera-
86 peutic amounts;

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

91 (6) Not more than 300 milligrams of ethylmorphine
92 per 100 milliliters and not more than 15 milligrams per
93 dosage unit, with one or more active, nonnarcotic
94 ingredients in recognized therapeutic amounts;

95 (7) Not more than 500 milligrams of opium per 100
96 milliliters or per 100 grams and not more than 25
97 milligrams per dosage unit, with one or more active,
98 nonnarcotic ingredients in recognized therapeutic
99 amounts;

100 (8) Not more than 50 milligrams of morphine per 100
101 milliliters or per 100 grams and not more than 2.5
102 milligrams per dosage unit, with one or more active,
103 nonnarcotic ingredients in recognized therapeutic
104 amounts.

§60A-2-210. Schedule IV.

1 (a) The controlled substances listed in this section
2 are included in Schedule IV.

3 (b) Unless specifically excepted or unless listed in
4 another schedule, any material, compound, mixture or
5 preparation which contains any quantity of the follow-
6 ing substances, including its salts, isomers and salts of
7 isomers whenever the existence of such salts, isomers
8 and salts of isomers is possible within the specific
9 chemical designation:

10 (1) Alprazolam;

- 11 (2) Barbital;
- 12 (3) Bromazepam;
- 13 (4) Camazepam;
- 14 (5) Chloral betaine;
- 15 (6) Chloral hydrate;
- 16 (7) Chlordiazepoxide;
- 17 (8) Clobazam;
- 18 (9) Clonazepam;
- 19 (10) Clorazepate;
- 20 (11) Clotiazepam;
- 21 (12) Cloxazolam;
- 22 (13) Delorazepam;
- 23 (14) Diazepam;
- 24 (15) Estazolam;
- 25 (16) Ethchlorvynol;
- 26 (17) Ethinamate;
- 27 (18) Ethylloflazepate;
- 28 (19) Fludiazepam;
- 29 (20) Flunitrazepam;
- 30 (21) Flurazepam;
- 31 (22) Halazepam;
- 32 (23) Haloxazolam;
- 33 (24) Ketazolam;
- 34 (25) Loprazolam;
- 35 (26) Lorazepam;
- 36 (27) Lormetazepam;
- 37 (28) Mebutamate;
- 38 (29) Medazepam;

- 39 (30) Meprobamate;
- 40 (31) Methohexital;
- 41 (32) Methylphenobarbital (mephobarbital);
- 42 (33) Medazolam;
- 43 (34) Nimetazepam;
- 44 (35) Nitrazepam;
- 45 (36) Nordiazepam;
- 46 (37) Oxazepam;
- 47 (38) Oxazolam;
- 48 (39) Paraldehyde;
- 49 (40) Petrichloral;
- 50 (41) Phenobarbital;
- 51 (42) Pinazepam;
- 52 (43) Prazepam;
- 53 (44) Quazepam;
- 54 (45) Temazepam;
- 55 (46) Tetrazepam;
- 56 (47) Triazolam;
- 57 (48) Zolpidem.

58 (c) Any material, compound, mixture or preparation
59 which contains any quantity of the following sub-
60 stance, including its salts, isomers (whether optical,
61 position or geometric) and salts of such isomers
62 whenever the existence of such salts, isomers and salts
63 of isomers is possible: Fenfluramine.

64 (d) Unless specifically excepted or unless listed in
65 another schedule, any material, compound, mixture or
66 preparation which contains any quantity of the follow-
67 ing substances having a stimulant effect on the central
68 nervous system, including its salts, isomers (whether
69 optical, position or geometric) and salts of such isomers
70 whenever the existence of such salts, isomers and salts

71 of isomers is possible within the specific chemical
72 designation:

73 (1) Cathine ((+)-norpseudophedrine);

74 (2) Diethylpropion;

75 (3) Fencamfamin;

76 (4) Fenproporex;

77 (5) Mazindol;

78 (6) Mefenorex;

79 (7) Phentermine;

80 (8) Pemoline (including organometallic complexes
81 and chelates thereof);

82 (9) Pipradrol;

83 (10) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

84 (e) *Other substances.* — Unless specifically excepted
85 or unless listed in another schedule, any material,
86 compound, mixture or preparation which contains any
87 quantity of the following substances, including its salts:

88 (1) Dextropropoxyphene (alpha - (#) 4 - dimethyl-
89 amino-1,2 -diphenyl-3-methyl - 2 - propionoxybutane);

90 (2) Not more than 1 milligram of difenoxin and not
91 less than 25 micrograms of antropine sulfate per
92 dosage unit;

93 (3) Pentazocine.

94 Amyl nitrite, butyl nitrite, isobutyl nitrite and the
95 other organic nitrites are controlled substances and no
96 product containing these compounds as a significant
97 component shall be possessed, bought or sold other
98 than pursuant to a bona fide prescription or for
99 industrial or manufacturing purposes.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature]
.....
Ernest C Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten signature]
.....
Parrell E. Thomas
Clerk of the Senate

[Handwritten signature]
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within *[Handwritten signature]* is the *16th* day of *March*, 1994.

[Handwritten signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/94

Time 1:40 pm