

SB 92

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

Committee Substitute for

SENATE BILL NO. 692

(By Senator Burnette, et al)

PASSED March 8, 2002

In Effect 90 days from Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 692

(SENATOR BURNETTE, *original sponsor*)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections two hundred six and two hundred eight, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to rescheduling controlled substance dronabinol from Schedule II to Schedule III; and adding ketamine to Schedule III to be consistent with federal laws.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-206. Schedule II.

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

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

12 (1) Opium and opiate, and any salt, compound, deriva-
13 tive or preparation of opium or opiate excluding
14 apomorphine, thebaine-derived butorphanol, dextrorphan,
15 nalbuphine, nalmefene, naloxone and naltrexone, and
16 their respective salts, but including 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) Ethylmorphine;
- 25 (I) Etorphine hydrochloride;
- 26 (J) Hydrocodone;
- 27 (K) Hydromorphone;
- 28 (L) Metopon;
- 29 (M) Morphine;

30 (N) Oxycodone;

31 (O) Oxymorphone;

32 (P) Thebaine;

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

38 (3) Opium poppy and poppy straw;

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

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

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

57 (1) Alfentanil;

58 (2) Alphaprodine;

59 (3) Anileridine;

60 (4) Bezitramide;

- 61 (5) Bulk dextropropoxyphene (nondosage forms);
- 62 (6) Carfentanil;
- 63 (7) Dihydrocodeine;
- 64 (8) Diphenoxylate;
- 65 (9) Fentanyl;
- 66 (10) Isomethadone;
- 67 (11) Levo-alpha-acetylmethadol; some other names: levo-
- 68 alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 69 (12) Levomethorphan;
- 70 (13) Levorphanol;
- 71 (14) Metazocine;
- 72 (15) Methadone;
- 73 (16) Methadone-Intermediate, 4-cyano-2-
- 74 dimethylamino-4, 4-diphenyl butane;
- 75 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 76 1-diphenylpropane-carboxylic acid;
- 77 (18) Pethidine; (meperidine);
- 78 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 79 phenylpiperidine;
- 80 (20) Pethidine-Intermediate-B, ethyl-4-phenyl-
- 81 piperidine-4-carboxylate;
- 82 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpi-
- 83 peridine-4-carboxylic acid;
- 84 (22) Phenazocine;
- 85 (23) Piminodine;
- 86 (24) Racemethorphan;

87 (25) Racemorphan;

88 (26) Remifentanil;

89 (27) Sufentanil.

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

95 (1) Amphetamine, its salts, optical isomers and salts of
96 its optical isomers;

97 (2) Methamphetamine, its salts, isomers and salts of its
98 isomers;

99 (3) Methylphenidate;

100 (4) Phenmetrazine and its salts.

101 (e) *Depressants*. – Unless specifically excepted or unless
102 listed in another schedule, any material, compound,
103 mixture or preparation which contains any quantity of the
104 following substances having a depressant effect on the
105 central nervous system, including its salts, isomers and
106 salts of isomers whenever the existence of such salts,
107 isomers and salts of isomers is possible within the specific
108 chemical designation:

109 (1) Amobarbital;

110 (2) Glutethimide;

111 (3) Pentobarbital;

112 (4) Phencyclidine;

113 (5) Secobarbital.

114 (f) Hallucinogenic substances:

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

118 (g) *Immediate precursors.*— Unless specifically excepted
119 or unless listed in another schedule, any material, com-
120 pound, mixture, or preparation which contains any
121 quantity of the following substances:

122 (1) Immediate precursor to amphetamine and metham-
123 phetamine:

124 (A) Phenylacetone;

125 Some trade or other names: phenyl-2-propanone; P2P;
126 benzyl methyl ketone; methyl benzyl ketone;

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

128 (A) 1-phenylcyclohexylamine;

129 (B) 1-piperidinocyclohexanecarbonitrile (PCC).

§60A-2-208. Schedule III.

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

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

14 (1) Those compounds, mixtures or preparations in dosage
15 unit form containing any stimulant substances listed in
16 Schedule II which compounds, mixtures or preparations

17 were listed on the twenty-fifth day of August, one thou-
18 sand nine hundred seventy-one, as excepted compounds
19 under 21 C.F.R. §1308.32, and any other drug of the
20 quantitative composition shown in that list for those drugs
21 or which is the same except that it contains a lesser
22 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 unless
29 listed in another schedule, any material, compound,
30 mixture or preparation which contains any quantity of the
31 following substances having a depressant effect on the
32 central nervous system:

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

34 (A) Amobarbital;

35 (B) Secobarbital;

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

39 (2) Any suppository dosage form containing:

40 (A) Amobarbital;

41 (B) Secobarbital;

42 (C) Pentobarbital; or any salt of any of these drugs and
43 approved by the food and drug administration for market-
44 ing only as a suppository;

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

47 (4) Chlorhexadol;

48 (5) Lysergic acid;

49 (6) Lysergic acid amide;

50 (7) Methyprylon;

51 (8) Sulfondiethylmethane;

52 (9) Sulfonethylmethane;

53 (10) Sulfonmethane;

54 (11) Tiletamine and zolazepam or any salt of tiletamine
55 and zolazepam; some trade or other names for a
56 tiletamine-zolazepam combination product: Telazol; some
57 trade or other names for tiletamine: 2-(ethyla-
58 mino)-2-(2-thienyl)-cyclohexanone; some trade or other
59 names for zolazepam: 4-(2-fluorophenyl)-6, 8-dihydro-1, 3,
60 8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flu-
61 pyrazapon;

62 (12) Human growth hormones or anabolic steroids.

63 Ketamine, its salts, isomers and salts of isomers, includ-
64 ing ketamine hydrochloride.

65 (d) Nalorphine.

66 (e) *Narcotic drugs*. – Unless specifically excepted or
67 unless listed in another schedule, any material, compound,
68 mixture or preparation containing any of the following
69 narcotic drugs, or their salts calculated as the free anhy-
70 drous base or alkaloid, in limited quantities as set forth
71 below:

72 (1) Not more than 1.8 grams of codeine per 100 milliliters
73 and not more than 90 milligrams per dosage unit, with an
74 equal or greater quantity of an isoquinoline alkaloid of
75 opium;

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

80 (3) Not more than 300 milligrams of dihydrocodeinone
81 (hydrocodone) per 100 milliliters or not more than 15
82 milligrams per dosage unit, with a fourfold or greater
83 quantity of an isoquinoline alkaloid of opium;

84 (4) Not more than 300 milligrams of dihydrocodeinone
85 (hydrocodone) per 100 milliliters or not more than 15
86 milligrams per dosage unit, with one or more active,
87 nonnarcotic ingredients in recognized therapeutic
88 amounts;

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

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

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

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

105 (f) *Anabolic steroids.*— Unless specifically excepted or
106 unless listed in another schedule, any material, compound,
107 mixture, or preparation containing any quantity of
108 anabolic steroids, including its salts, isomers and salts of

109 isomers whenever the existence of the salts of isomers is
110 possible within the specific chemical designation.

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

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *3rd*
Day of *April*, 2002.
[Signature]
.....
Governor

PRELIMINARY

DATE

3/26/02

TIME

3:27