

1 **H. B. 2503**

2
3 (By Delegates Marcum, Miley, Moore, White, Craig, Perry,
4 Skaff, Nelson, E., Ferro, Ferns and Eldridge)

5 [Introduced February 15, 2013; referred to the
6 Committee on Health and Human Resources then the
7 Judiciary.]

**FISCAL
NOTE**

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9
10 A BILL to amend and reenact §60A-2-210 of the Code of West
11 Virginia, 1931, as amended, relating to adding suboxone and
12 fioricet to the Schedule IV list of controlled substances;
13 and, by reference, providing a felony criminal penalty.

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

15 That §60A-2-210 of the Code of West Virginia, 1931, as
16 amended, be amended and reenacted to read as follows:

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

18 **§60A-2-210. Schedule IV.**

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

22 (b) *Narcotic drugs.* Unless specifically excepted or unless
23 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;

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

- 1 (35) Nimetazepam;
2 (36) Nitrazepam;
3 (37) Nordiazepam;
4 (38) Oxazepam;
5 (39) Oxazolam;
6 (40) Paraldehyde;
7 (41) Petrichloral;
8 (42) Phenobarbital;
9 (43) Pinazepam;
10 (44) Prazepam;
11 (45) Quazepam;
12 (46) Suboxone;
13 ~~(46)~~ (47) Temazepam;
14 ~~(47)~~ (48) Tetrazepam;
15 ~~(48)~~ (49) Triazolam;
16 ~~(49)~~ (50) Zolpidem.

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

22 (e) *Stimulants*. Unless specifically excepted or unless listed
23 in another schedule, any material, compound, mixture or preparation
24 which contains any quantity of the following substances having a

1 stimulant effect on the central nervous system, including its
2 salts, isomers and salts of isomers:

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

4 (2) Diethylpropion;

5 (3) Fencamfamin;

6 (4) Fenproporex;

7 (5) Fioricet;

8 ~~(5)~~ (6) Mazindol;

9 ~~(6)~~ (7) Mefenorex;

10 ~~(7)~~ (8) Pemoline (including organometallic complexes and
11 chelates thereof);

12 ~~(8)~~ (9) Phentermine;

13 ~~(9)~~ (10) Pipradrol;

14 ~~(10)~~ (11) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

15 (f) *Other substances.* -- 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, including its salts:

19 (1) Pentazocine;

20 (2) Butorphanol.

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

1 prescription or for industrial or manufacturing purposes.

NOTE: The purpose of this bill is to add suboxone and fioricet to the Schedule IV list of controlled substances. The bill, by reference, provides a felony criminal penalty.

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