

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 4208

5 (By Delegates Fleischauer, Barill,
6 Marshall, Barker, Perdue, Kinsey, Ellem,
7 Pasdon, Hunt, Marcum and Border)

8 [Passed March 8, 2014; in effect ninety days from passage.]

9
10
11 AN ACT 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 the
16 lists of scheduled controlled drugs; making all substances
17 containing dihydrocodeinone schedule II controlled substances;
18 making tramadol hydrochloride a schedule IV controlled
19 substance; adding certain synthetic drugs to the list of
20 scheduled controlled substances; modifying and including
21 definitions; and modifying manner in which buprenorphine and
22 naloxone may be prescribed.

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

24 That §60A-1-101 of the Code of West Virginia, 1931, as

1 amended, be amended and reenacted; that §60A-2-204, §60A-2-206,
2 §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended and
3 reenacted; and that §60A-3-308 of said code be amended and
4 reenacted, all to read as follows:

5 **ARTICLE 1. DEFINITIONS.**

6 **§60A-1-101. Definitions.**

7 As used in this act:

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

11 (1) A practitioner (or, in his or her presence, by his or her
12 authorized agent); or

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

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

19 (c) "Analogue" means a substance that, in relation to a
20 controlled substance, has a substantially similar chemical
21 structure.

22 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
23 Drugs, United States Department of Justice" or its successor
24 agency.

1 (e) "Controlled substance" means a drug, substance or
2 immediate precursor in Schedules I through V of article two of this
3 chapter.

4 (f) "Counterfeit substance" means a controlled substance
5 which, or the container or labeling of which, without
6 authorization, bears the trademark, trade name or other identifying
7 mark, imprint, number or device, or any likeness thereof, of a
8 manufacturer, distributor or dispenser other than the person who in
9 fact manufactured, distributed or dispensed the substance.

10 (g) "Imitation controlled substance" means: (1) A controlled
11 substance which is falsely represented to be a different controlled
12 substance; (2) a drug or substance which is not a controlled
13 substance but which is falsely represented to be a controlled
14 substance; or (3) a controlled substance or other drug or substance
15 or a combination thereof which is shaped, sized, colored, marked,
16 imprinted, numbered, labeled, packaged, distributed or priced so as
17 to cause a reasonable person to believe that it is a controlled
18 substance.

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

23 (i) "Dispense" means to deliver a controlled substance to an
24 ultimate user or research subject by or pursuant to the lawful

1 order of a practitioner, including the prescribing, administering,
2 packaging, labeling or compounding necessary to prepare the
3 substance for that delivery.

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

5 (k) "Distribute" means to deliver, other than by administering
6 or dispensing, a controlled substance, a counterfeit substance or
7 an imitation controlled substance.

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

9 (m) "Drug" means: (1) Substances recognized as drugs in the
10 official "United States Pharmacopoeia, official Homeopathic
11 Pharmacopoeia of the United States or official National Formulary",
12 or any supplement to any of them; (2) substances intended for use
13 in the diagnosis, cure, mitigation, treatment or prevention of
14 disease in man or animals; (3) substances (other than food)
15 intended to affect the structure or any function of the body of man
16 or animals; and (4) substances intended for use as a component of
17 any article specified in subdivision (1), (2) or (3) of this
18 subdivision. It does not include devices or their components,
19 parts or accessories.

20 (n) "Immediate derivative" means a substance which is the
21 principal compound or any analogue of the parent compound
22 manufactured from a known controlled substance primarily for use
23 and which has equal or similar pharmacologic activity as the parent
24 compound which is necessary to prevent, curtail or limit

1 manufacture.

2 (o) "Immediate precursor" means a substance which is the
3 principal compound commonly used or produced primarily for use and
4 which is an immediate chemical intermediary used or likely to be
5 used in the manufacture of a controlled substance, the control of
6 which is necessary to prevent, curtail or limit manufacture.

7 (p) "Manufacture" means the production, preparation,
8 propagation, compounding, conversion or processing of a controlled
9 substance, either directly or indirectly or by extraction from
10 substances of natural origin, or independently by means of chemical
11 synthesis, or by a combination of extraction and chemical
12 synthesis, and includes any packaging or repackaging of the
13 substance or labeling or relabeling of its container, except that
14 this term does not include the preparation, compounding, packaging
15 or labeling of a controlled substance:

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

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

22 (q) "Marijuana" means all parts of the plant "Cannabis sativa
23 L.", whether growing or not; the seeds thereof; the resin extracted
24 from any part of the plant; and every compound, manufacture, salt,

1 immediate derivative, mixture or preparation of the plant, its
2 seeds or resin. It does not include the mature stalks of the
3 plant, fiber produced from the stalks, oil or cake made from the
4 seeds of the plant, any other compound, manufacture, salt,
5 immediate derivative, mixture or preparation of the mature stalks
6 (except the resin extracted therefrom), fiber, oil or cake, or the
7 sterilized seed of the plant which is incapable of germination.

8 (r) "Narcotic drug" means any of the following, whether
9 produced directly or indirectly by extraction from substances of
10 vegetable origin or independently by means of chemical synthesis,
11 or by a combination of extraction and chemical synthesis:

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

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

18 (3) Opium poppy and poppy straw.

19 (4) Coca leaves and any salt, compound, immediate derivative
20 or preparation of coca leaves and any salt, compound, isomer,
21 immediate derivative or preparation thereof which is chemically
22 equivalent or identical with any of these substances, but not
23 including decocainized coca leaves or extractions of coca leaves
24 which do not contain cocaine or ecgonine.

1 (s) "Opiate" means any substance having an addiction-forming
2 or addiction-sustaining liability similar to morphine or being
3 capable of conversion into a drug having addiction-forming or
4 addiction-sustaining liability. It does not include, unless
5 specifically designated as controlled under section two hundred
6 one, article two of this chapter, the dextrorotatory isomer of
7 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It
8 does not include its racemic and levorotatory forms.

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

11 (u) "Person" means individual, corporation, government or
12 governmental subdivision or agency, business trust, estate, trust,
13 partnership or association, or any other legal entity.

14 (v) "Placebo" means an inert medicament or preparation
15 administered or dispensed for its psychological effect, to satisfy
16 a patient or research subject or to act as a control in
17 experimental series.

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

20 (x) "Practitioner" means:

21 (1) A physician, dentist, veterinarian, scientific
22 investigator or other person licensed, registered or otherwise
23 permitted to distribute, dispense, conduct research with respect
24 to, or to administer a controlled substance in the course of

1 professional practice or research in this state.

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

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

8 (z) "State", when applied to a part of the United States,
9 includes any state, district, commonwealth, territory, insular
10 possession thereof and any area subject to the legal authority of
11 the United States of America.

12 (aa) "Ultimate user" means a person who lawfully possesses a
13 controlled substance for his or her own use or for the use of a
14 member of his or her household or for administering to an animal
15 owned by him or her or by a member of his or her household.

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

17 **§60A-2-204. Schedule I.**

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

21 (b) Opiates. Unless specifically excepted or unless listed in
22 another schedule, any of the following opiates, including their
23 isomers, esters, ethers, salts and salts of isomers, esters and
24 ethers, whenever the existence of such isomers, esters, ethers and

1 salts is possible within the specific chemical designation (for
2 purposes of subdivision (34) of this subsection only, the term
3 isomer includes the optical and geometric isomers):

4 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)
5 -4-piperidinyl]-N-phenylacetamide);

6 (2) Acetylmethadol;

7 (3) Allylprodine;

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

10 (5) Alphameprodine;

11 (6) Alphamethadol;

12 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
13 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(-
14 propanilido) piperidine);

15 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl) ethyl-
16 4-piperidinyl]-N-phenylpropanamide);

17 (9) Benzethidine;

18 (10) Betacetylmethadol;

19 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl) -4-
20 piperidinyl]-N-phenylpropanamide);

21 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-
22 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);

23 (13) Betameprodine;

24 (14) Betamethadol;

- 1 (15) Betaprodine;
- 2 (16) Clonitazene;
- 3 (17) Dextromoramide;
- 4 (18) Diampromide;
- 5 (19) Diethylthiambutene;
- 6 (20) Difenoquin;
- 7 (21) Dimenoxadol;
- 8 (22) Dimepheptanol;
- 9 (23) Dimethylthiambutene;
- 10 (24) Dioxaphetyl butyrate;
- 11 (25) Dipipanone;
- 12 (26) Ethylmethylthiambutene;
- 13 (27) Etonitazene;
- 14 (28) Etoxadidine;
- 15 (29) Furethidine;
- 16 (30) Hydroxypethidine;
- 17 (31) Ketobemidone;
- 18 (32) Levomoramide;
- 19 (33) Levophenacymorphan;
- 20 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
- 21 piperidyl]-N-phenylpropanamide);
- 22 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl) ethyl-4-
- 23 piperidinyl]-N-phenylpropanamide);
- 24 (36) Morpheridine;

- 1 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 2 (38) Noracymethadol;
- 3 (39) Norlevorphanol;
- 4 (40) Normethadone;
- 5 (41) Norpipanone;
- 6 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
- 7 phenethyl)-4-piperidinyl] propanamide);
- 8 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 9 (44) Phenadoxone;
- 10 (45) Phenampromide;
- 11 (46) Phenomorphan;
- 12 (47) Phenoperidine;
- 13 (48) Piritramide;
- 14 (49) Proheptazine;
- 15 (50) Properidine;
- 16 (51) Propiram;
- 17 (52) Racemoramide;
- 18 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 19 piperidinyl]-propanamide);
- 20 (54) Tilidine;
- 21 (55) Trimeperidine.

22 (c) *Opium derivatives*. -- Unless specifically excepted or

23 unless listed in another schedule, any of the following opium

24 immediate derivatives, its salts, isomers and salts of isomers

1 whenever the existence of such salts, isomers and salts of isomers
2 is possible within the specific chemical designation:

- 3 (1) Acetorphine;
- 4 (2) Acetyldihydrocodeine;
- 5 (3) Benzylmorphine;
- 6 (4) Codeine methylbromide;
- 7 (5) Codeine-N-Oxide;
- 8 (6) Cyprenorphine;
- 9 (7) Desomorphine;
- 10 (8) Dihydromorphine;
- 11 (9) Drotebanol;
- 12 (10) Etorphine (except HCl Salt);
- 13 (11) Heroin;
- 14 (12) Hydromorphenol;
- 15 (13) Methyldesorphine;
- 16 (14) Methyldihydromorphine;
- 17 (15) Morphine methylbromide;
- 18 (16) Morphine methylsulfonate;
- 19 (17) Morphine-N-Oxide;
- 20 (18) Myrophine;
- 21 (19) Nicocodeine;
- 22 (20) Nicomorphine;
- 23 (21) Normorphine;
- 24 (22) Pholcodine;

1 (23) Thebacon.

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

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

14 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or other
15 names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-
16 2,5-DMA;

17 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or other
18 names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
19 desmethyl DOB; 2C-B, Nexus;

20 (4) 2,5-dimethoxyamphetamine; some trade or other names:
21 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;

22 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other
23 names: DOET;

24 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name:

1 2C-T-7);

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

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

4 (8) 5-methoxy-3, 4-methylenedioxy-amphetamine;

5 (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and other

6 names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM";

7 and "STP";

8 (10) 3,4-methylenedioxy amphetamine;

9 (11) 3,4-methylenedioxymethamphetamine (MDMA);

10 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known as -

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

12 MDA, MDE, MDEA);

13 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as -

14 hydroxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and -

15 hydroxy MDA);

16 (14) 3,4,5-trimethoxy amphetamine;

17 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

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

19 (17) Bufotenine; some trade and other names:

20 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoeth

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

22 dimethyltryptamine; mappine;

23 (18) Diethyltryptamine; some trade and other names: N,

24 N-Diethyltryptamine; DET;

- 1 (19) Dimethyltryptamine; some trade or other names: DMT;
- 2 (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 3 (21) Ibogaine; some trade and other names: 7-Ethyl-6, 6 Beta,
4 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido
5 [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;
- 6 (22) Lysergic acid diethylamide;
- 7 (23) Marihuana;
- 8 (24) Mescaline;
- 9 (25) Parahexyl-7374; some trade or other names: 3-Hexyl
10 -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo
11 [b,d] pyran; Synhexyl;
- 12 (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 (27) N-ethyl-3-piperidyl benzilate;
- 19 (28) N-methyl-3-piperidyl benzilate;
- 20 (29) Psilocybin;
- 21 (30) Psilocyn;
- 22 (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

1 and their isomers with similar chemical structure and
2 pharmacological activity such as the following:

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

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

7 delta-3,4 Cis or trans tetrahydrocannabinol, and its optical
8 isomers;

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

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

15 (33) Pyrrolidine analog of phencyclidine; some trade or other
16 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

17 (34) Thiophene analog of phencyclidine; some trade or other
18 names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of
19 phencyclidine; TCP, TCPy;

20 (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names:
21 TCPy.

22 (36) 4-methylmethcathinone (Mephedrone);

23 (37) 3,4-methylenedioxypyrovalerone (MDPV);

24 (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

- 1 (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
- 2 (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
- 3 (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
- 4 (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
- 5 (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
6 (2C-T-4)
- 7 (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
- 8 (45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N)
- 9 (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
- 10 (47) 3,4-Methylenedioxy-N-methylcathinone (Methylone)
- 11 (48) (2,5-dimethoxy-4-(n)-propyltghiophenethylamine (2C-T-7,
12 itsoptical isomers, salts and salts of isomers
- 13 (49) 5-methoxy-N,N-dimethyltryptamine some trade or other
14 names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole;
15 5-MeO-DMT (5-MeO-DMT)
- 16 (50) Alpha-methyltryptamine (other name: AMT)
- 17 (51) 5-methoxy-N,N-diisopropyltryptamine (other name:
18 5-MeO-DIPT)
- 19 (52) Synthetic Cannabinoids as follows:
- 20 (A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
21 (2-methyloctan-2-yl)phenol {also known as CP 47,497 and
22 homologues};
- 23 (B) rel-2-[(1S,3R)-3-hydroxycyclohexyl]
24 -5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8 homolog};

1 (C) [(6aR)-9-(hydroxymethyl)-6,
2 6-dimethyl-3-(2-methyloctan-2-yl)-6a,
3 7,10,10a-tetrahydrobenzo[c]chromen-1-ol)] {also known as HU-210};
4 (D) (dexanabinol,
5 (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
6 6a,7,10,10a-tetrahydrobenzol[c]chromen-1-ol) {also known as
7 HU-211};
8 (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as JWH-018};
9 (F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};
10 (G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
11 {also known as JWH-015};
12 (H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also
13 known as JWH-019};
14 (I) [1-[2-(4-morpholinyl)ethyl]
15 -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};
16 (J) 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)-ethanone
17 {also known as JWH-250};
18 (K) 2-((1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl)
19 -5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};
20 (L) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)
21 -methanone {also known as JWH-122};
22 (M) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)
23 -methanone {also known as JWH-398};
24 (N) (4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone {also

1 known as RCS-4};

2 (O) 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl)

3 -2-(2-methoxyphenyl) ethanone {also known as RCS-8}; (P)

4 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

5 (Q) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201); and

6 (R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).

7 (53) Synthetic cannabinoids or any material, compound,

8 mixture or preparation which contains any quantity of the following

9 substances, including their analogues, congeners, homologues,

10 isomers, salts and salts of analogues, congeners, homologues and

11 isomers, as follows:

12 (A) CP 47,497 AND homologues, 2-[(1R,3S)-3-

13 Hydroxycyclohexyl]-5-(2-methyloctan-2-YL)phenol);

14 (B) H U - 2 1 0 ,

15 [(6AR,10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-Methyloctan-2-YL)

16 -6A,7,10, 10A-tetrahydrobenzo[C] chromen-1-OL)];

17 (C) HU-211, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-

18 Dimethyl-3-(2-methyloctan-2-YL)-6A,7,10,10atetrahydrobenzo[

19 C]chromen-1-OL);

20 (D) JWH-018, 1-pentyl-3-(1-naphthoyl)indole;

21 (E) JWH-019, 1-hexyl-3-(1-naphthoyl)indole;

22 (F) JWH-073, 1-butyl-3-(1-naphthoyl)indole;

23 (G) JWH-200, (1-(2-morpholin-4-ylethyl)indol-3-yl)-

24 Naphthalen-1-ylmethanone;

1 (H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.]

2 (54) Synthetic cannabinoids including any material, compound,
3 mixture or preparation that is not listed as a controlled substance
4 in Schedule I through V, is not a federal Food and Drug
5 Administration approved drug or used within legitimate and approved
6 medical research and which contains any quantity of the following
7 substances, their salts, isomers, whether optical positional or
8 geometric, analogues, homologues and salts of isomers, analogues
9 and homologues, unless specifically exempted, whenever the
10 existence of these salts, isomers, analogues, homologues and salts
11 of isomers, analogues and homologues if possible within the
12 specific chemical designation:

13 (A) Tetrahydrocannabinols meaning tetrahydrocannabinols which
14 are naturally contained in a plant of the genus cannabis as well as
15 synthetic equivalents of the substances contained in the plant or
16 in the resinous extractives of cannabis or synthetic substances,
17 derivatives and their isomers with analogous chemical structure and
18 or pharmacological activity such as the following:

19 (i) DELTA-1 CIS OR trans tetrahydrocannabinol and their
20 Optical isomers.

21 (ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their
22 optical isomers.

23 (iii) DELTA-3,4 CIS or their trans tetrahydrocannabinol and
24 their optical isomers.

1 (B) Naphthoylindoles or any compound containing a 3-(1-
2 Naphthoyl) indole structure with substitution at the nitrogen atom
3 of the indole ring whether or not further substituted in the indole
4 ring to any extent and whether or not substituted in the naphthyl
5 ring to any extent. This shall include the following:

6 (i) JWH 015;

7 (ii) JWH 018;

8 (iii) JWH 019;

9 (iv) JWH 073;

10 (v) JWH 081;

11 (vi) JWH 122;

12 (vii) JWH 200;

13 (viii) JWH 210;

14 (ix) JWH 398;

15 (x) AM 2201;

16 (xi) WIN 55,212.

17 (55) Naphylmethylinindoles or any compound containing a
18 1-indol-3-yl-(1-naphthyl) methane structure with a substitution at
19 the nitrogen atom of the indole ring whether or not further
20 substituted in the indole ring to any extent and whether or not
21 substituted in the naphthyl ring to any extent. This shall include,
22 but not be limited to, JWH 175 and JWH 184.

23 (56) Naphthoylpyrroles or any compound containing a 3-(1-
24 Naphthoyl) pyrrole structure with substitution at the nitrogen atom

1 of the pyrrole ring whether or not further substituted in the
2 pyrrole ring to any extent and whether or not substituted in the
3 naphthyl ring to any extent. This shall include, but not be
4 limited to, JWH 147 and JWH 307.

5 (57) Naphthylmethylenes or any compound containing a
6 Naphthylideneindene structure with substitution at the 3- Position
7 of the indene ring whether or not further substituted in the indene
8 ring to any extent and whether or not substituted in the naphthyl
9 ring to any extent. This shall include, but not be limited to, JWH
10 176.

11 (58) Phenylacetylindoles or any compound containing a 3-
12 Phenylacetylindole structure with substitution at the nitrogen atom
13 of the indole ring whether or not further substituted in the indole
14 ring to any extent and whether or not substituted in the phenyl
15 ring to any extent. This shall include the following:

16 (A) RCS-8, SR-18 OR BTM-8;

17 (B) JWH 250;

18 (C) JWH 203;

19 (D) JWH 251;

20 (E) JWH 302.

21 (59) Cyclohexylphenols or any compound containing a 2-(3-
22 hydroxycyclohexyl) phenol structure with a substitution at the
23 5-position of the phenolic ring whether or not substituted in the
24 cyclohexyl ring to any extent. This shall include the following:

1 (A) CP 47,497 and its homologues and analogs;
2 (B) Cannabicyclohexanol;
3 (C) CP 55,940.
4 (60) Benzoylindoles or any compound containing a 3-(benzoyl)
5 indole structure with substitution at the nitrogen atom of the
6 indole ring whether or not further substituted in the indole ring
7 to any extent and whether or not substituted in the phenyl ring to
8 any extent. This shall include the following:
9 (A) AM 694;
10 (B) Pravadoline WIN 48,098;
11 (C) RCS 4;
12 (D) AM 679.
13 (61) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo
14 [1,2,3-DE]-1, 4-benzoxazin-6-yl]-1-naphthalenemethanone. This shall
15 include WIN 55,212-2.
16 (62) Dibenzopyrans or any compound containing a
17 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution
18 on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051
19 and JWH 133.
20 (63) Adamantoylindoles or any compound containing a 3-(-1-
21 Adamantoyl) indole structure with substitution at the nitrogen atom
22 of the indole ring whether or not further substituted in the
23 adamantoyl ring system to any extent. This shall include AM1248.
24 (64) Tetramethylcyclopropylindoles or any compound containing

1 A 3-tetramethylcyclopropylindole structure with substitution at the
2 nitrogen atom of the indole ring whether or not further substituted
3 in the indole ring to any extent and whether or not substituted in
4 the tetramethylcyclopropyl ring to any extent. This shall include
5 UR-144 and XLR-11.

6 (65) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This
7 shall include AKB48.

8 (66) Any other synthetic chemical compound that is a
9 Cannabinoid receptor type 1 agonist as demonstrated by binding
10 studies and functional assays that is not listed in Schedules II,
11 III, IV and V, not federal Food and Drug Administration approved
12 drug or used within legitimate, approved medical research. Since
13 nomenclature of these substances is not internationally
14 standardized, any immediate precursor or immediate derivative of
15 these substances shall be covered.

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

23 (1) Mecloqualone;

24 (2) Methaqualone.

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

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

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

11 (3) Fenethylamine;

12 (4) Methcathinone, its immediate precursors and immediate
13 derivatives, its salts, optical isomers and salts of optical
14 isomers; some other names: (2-(methylamino)-propionophenone;
15 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-
16 one; alpha-N-methylaminopropionophenone; monomethylpropion;
17 3,4-methylenedioxypropionophenone and/or
18 mephedrone; 3,4-methylenedioxypropionophenone (MPVD); ephedrone;
19 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and
20 UR1432;

21 (5) (+-) cis-4-methylaminorex; ((-) cis-4,5-dihydro-4-methyl-
22 5-phenyl-2-oxazolamine);

23 (6) N-ethylamphetamine;

24 (7) N,N-dimethylamphetamine; also known as N,N-alpha-

1 trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

2 (8) Alpha-pyrrolidinopentiophenone, also known as alpha-PVP,
3 optical isomers, salts and salts of isomers.

4 (g) Temporary listing of substances subject to emergency
5 scheduling. Any material, compound, mixture or preparation which
6 contains any quantity of the following substances:

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

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

11 (3) N-benzylpiperazine, also known as BZP.

12 (h) The following controlled substances are included in
13 Schedule I:

14 (1) Synthetic Cathinones or any compound, except bupropion or
15 compounds listed under a different schedule, or compounds used
16 within legitimate and approved medical research, structurally
17 derived from 2- Aminopropan-1-one by substitution at the 1-position
18 with Monocyclic or fused polycyclic ring systems, whether or not
19 the compound is further modified in any of the following ways:

20 (A) By substitution in the ring system to any extent with
21 Alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide
22 Substituents whether or not further substituted in the ring system
23 by one or more other univalent substituents.

24 (B) By substitution at the 3-position with an acyclic alkyl

1 substituent.

2 (C) By substitution at the 2-amino nitrogen atom with alkyl,
3 dialkyl, benzyl or methoxybenzyl groups.

4 (D) By inclusion of the 2-amino nitrogen atom in a cyclic
5 structure.

6 (2) Any other synthetic chemical compound that is a
7 Cannabinoid receptor type 1 agonist as demonstrated by binding
8 studies and functional assays that is not listed in Schedules II,
9 III, IV and V, not federal Food and Drug Administration approved
10 drug or used within legitimate, approved medical research.

11 **§60A-2-206. Schedule II.**

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

15 (b) *Substances, vegetable origin or chemical synthesis.* --
16 Unless specifically excepted or unless listed in another schedule,
17 any of the following substances whether produced directly or
18 indirectly by extraction from substances of vegetable origin, or
19 independently by means of chemical synthesis, or by a combination
20 of extraction and chemical synthesis:

21 (1) Opium and opiate, and any salt, compound, derivative or
22 preparation of opium or opiate excluding apomorphine,
23 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
24 naloxone and naltrexone, and their respective salts, but including

1 the following:

2 (A) Raw opium;

3 (B) Opium extracts;

4 (C) Opium fluid;

5 (D) Powdered opium;

6 (E) Granulated opium;

7 (F) Tincture of opium;

8 (G) Codeine;

9 ((H) Dihydroetorphine;

10 (I) Ethylmorphine;

11 (J) Etorphine hydrochloride;

12 (K) Hydrocodone;

13 (L) Hydromorphone;

14 (M) Metopon;

15 (N) Morphine;

16 (O) Oripavine;

17 (P) Oxycodone;

18 (Q) Oxymorphone; and

19 (R) Thebaine;

20 (2) Any salt, compound, derivative or preparation thereof
21 which is chemically equivalent or identical with any of the
22 substances referred to in subdivision (1) of this subsection,
23 except that these substances shall not include the isoquinoline
24 alkaloids of opium;

1 (3) Opium poppy and poppy straw;

2 (4) Coca leaves and any salt, compound, derivative or
3 preparation of coca leaves (including cocaine and ecgonine and
4 their salts, isomers, derivatives and salts of isomers and
5 derivatives), and any salt, compound, derivative or preparation
6 thereof which is chemically equivalent or identical with any of
7 these substances, except that the substances shall not include
8 decocainized coca leaves or extractions of coca leaves, which
9 extractions do not contain cocaine or ecgonine;

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

13 (c) *Opiates*. -- Unless specifically excepted or unless in
14 another schedule, any of the following opiates, including its
15 isomers, esters, ethers, salts and salts of isomers, esters and
16 ethers whenever the existence of such isomers, esters, ethers and
17 salts is possible within the specific chemical designation,
18 dextrorphan and levopropoxyphene excepted:

19 (1) Alfentanil;

20 (2) Alphaprodine;

21 (3) Anileridine;

22 (4) Bezitramide;

23 (5) Bulk dextropropoxyphene (nondosage forms);

24 (6) Carfentanil;

- 1 (7) Dihydrocodeine;
- 2 (8) Diphenoxylate;
- 3 (9) Fentanyl;
- 4 (10) Isomethadone;
- 5 (11) Levo-alpha-acetylmethadol; some other names:
- 6 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 7 (12) Levomethorphan;
- 8 (13) Levorphanol;
- 9 (14) Metazocine;
- 10 (15) Methadone;
- 11 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
- 12 4-diphenyl butane;
- 13 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 14 1-diphenylpropane-carboxylic acid;
- 15 (18) Pethidine; (meperidine);
- 16 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 17 phenylpiperidine;
- 18 (2 0) P e t h i d i n e - I n t e r m e d i a t e - B ,
- 19 ethyl-4-phenylpiperidine-4-carboxylate;
- 20 (2 1) P e t h i d i n e - I n t e r m e d i a t e - C ,
- 21 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 22 (22) Phenazocine;
- 23 (23) Piminodine;
- 24 (24) Racemethorphan;

- 1 (25) Racemorphan;
2 (26) Remifentanil;
3 (27) Sufentanil; and
4 (28) Tapentadol.

5 (d) *Stimulants*. -- Unless specifically excepted or unless
6 listed in another schedule, any material, compound, mixture or
7 preparation which contains any quantity of the following substances
8 having a stimulant effect on the central nervous system:

9 (1) Amphetamine, its salts, optical isomers and salts of its
10 optical isomers;

11 (2) Methamphetamine, its salts, isomers and salts of its
12 isomers;

13 (3) Methylphenidate;

14 (4) Phenmetrazine and its salts; and

15 (5) Lisdexamfetamine.

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

23 (1) Amobarbital;

24 (2) Glutethimide;

1 (3) Pentobarbital;

2 (4) Phencyclidine;

3 (5) Secobarbital.

4 (f) *Hallucinogenic substances:*

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

8 (g) *Immediate precursors.* -- Unless specifically excepted or
9 unless listed in another schedule, any material, compound, mixture,
10 or preparation which contains any quantity of the following
11 substances:

12 (1) Immediate precursor to amphetamine and methamphetamine:

13 (A) Phenylacetone;

14 (B) Some trade or other names: phenyl-2-propanone; P2P; benzyl
15 methyl ketone; methyl benzyl ketone;

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

17 (A) 1-phenylcyclohexylamine; and

18 (B) 1-piperidinocyclohexanecarbonitrile (PCC).

19 (3) Immediate precursor to fentanyl:

20 4-anilino-N-phenethyl-4-piperidine (ANPP).

21 **§60A-2-208. Schedule III.**

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

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

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

16 (2) Benzphetamine;

17 (3) Chlorphentermine;

18 (4) Clortermine;

19 (5) Phendimetrazine.

20 (c) *Depressants.* -- 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 depressant effect on the central nervous system:

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

- 1 (A) Amobarbital;
- 2 (B) Secobarbital;
- 3 (C) Pentobarbital; or any salt of pentobarbital and one or
4 more other active medicinal ingredients which are not listed in any
5 schedule;
- 6 (2) Any suppository dosage form containing:
- 7 (A) Amobarbital;
- 8 (B) Secobarbital;
- 9 (C) Pentobarbital; or any salt of any of these drugs and
10 approved by the food and drug administration for marketing only as
11 a suppository;
- 12 (3) Any substance which contains any quantity of a derivative
13 of barbituric acid or any salt of barbituric acid;
- 14 (4) Aprobarbital;
- 15 (5) Butabarbital (secbutabarbital);
- 16 (6) Butalbital (including, but not limited to, Fioricet);
- 17 (7) Butobarbital (butethal);
- 18 (8) Chlorhexadol;
- 19 (9) Embutramide;
- 20 (10) Gamma Hydroxybutyric Acid preparations;
- 21 (11) Ketamine, its salts, isomers and salts of isomers [Some
22 o t h e r n a m e s f o r k e t a m i n e :
23 (+-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];
- 24 (12) Lysergic acid;

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

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

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

7 (3) 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: *Provided, That* a prescription for
11 this may not be filled for more than a one month supply or filled
12 or refilled more than three months after the date of the original
13 prescription. Such prescription may not be refilled more than
14 twice;

15 (4) Not more than 300 milligrams of dihydrocodeinone
16 (hydrocodone) per 100 milliliters or not more than 15 milligrams
17 per dosage unit, with one or more active, nonnarcotic ingredients
18 in recognized therapeutic amounts: *Provided, That* a prescription
19 for this product may not be filled for more than a one month supply
20 or filled or refilled more than three months after the date of the
21 original prescription. Such prescription may not be refilled more
22 than twice;

23 (C) Not more than 1.8 grams of dihydrocodeine per 100
24 milliliters and not more than 90 milligrams per dosage unit, with

1 one or more active, nonnarcotic ingredients in recognized
2 therapeutic amounts;

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

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

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

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

17 (f) *Anabolic steroids*. -- Unless specifically excepted or
18 unless listed in another schedule, any material, compound, mixture,
19 or preparation containing any quantity of anabolic steroids,
20 including its salts, isomers and salts of isomers whenever the
21 existence of the salts of isomers is possible within the specific
22 chemical designation.

23 (g) Human growth hormones.

24 (h) Dronabinol (synthetic) in sesame oil and encapsulated in

1 a soft gelatin capsule in a United States food and drug
2 administration approved drug product. (Some other names for
3 dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6,
4 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or
5 (-)-delta-9-(trans)-tetrahydrocannabinol).

6 **§60A-2-210. Schedule IV.**

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

10 (b) *Narcotic drugs.* -- Unless specifically excepted or unless
11 listed in another schedule, any material, compound, mixture or
12 preparation containing any of the following narcotic drugs, or
13 their salts calculated as the free anhydrous base or alkaloid, in
14 limited quantities as set forth below:

15 (1) Not more than 1 milligram of difenoxin and not less than
16 25 micrograms of atropine sulfate per dosage unit;

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

20 (c) *Depressants.* -- Unless specifically excepted or unless
21 listed in another schedule, any material, compound, mixture or
22 preparation which contains any quantity of the following
23 substances, including its salts, isomers and salts of isomers
24 whenever the existence of such salts, isomers and salts of isomers

1 is possible within the specific chemical designation:

- 2 (1) Alprazolam;
- 3 (2) Barbital;
- 4 (3) Bromazepam;
- 5 (4) Camazepam;
- 6 (5) Carisoprodol;
- 7 (6) Chloral betaine;
- 8 (7) Chloral hydrate;
- 9 (8) Chlordiazepoxide;
- 10 (9) Clobazam;
- 11 (10) Clonazepam;
- 12 (11) Clorazepate;
- 13 (12) Clotiazepam;
- 14 (13) Cloxazolam;
- 15 (14) Delorazepam;
- 16 (15) Diazepam;
- 17 (16) Dichloralphenazone;
- 18 (17) Estazolam;
- 19 (18) Ethchlorvynol;
- 20 (19) Ethinamate;
- 21 (20) Ethyl loflazepate;
- 22 (21) Fludiazepam;
- 23 (22) Flunitrazepam;
- 24 (23) Flurazepam;

- 1 (24) Fospropofol;
- 2 (25) Halazepam;
- 3 (26) Haloxazolam;
- 4 (27) Ketazolam;
- 5 (28) Loprazolam;
- 6 (29) Lorazepam;
- 7 (30) Lormetazepam;
- 8 (31) Mebutamate;
- 9 (32) Medazepam;
- 10 (33) Meprobamate;
- 11 (34) Methohexital;
- 12 (35) Methylphenobarbital (mephobarbital);
- 13 (36) Midazolam;
- 14 (37) Nimetazepam;
- 15 (38) Nitrazepam;
- 16 (39) Nordiazepam;
- 17 (40) Oxazepam;
- 18 (41) Oxazolam;
- 19 (42) Paraldehyde;
- 20 (43) Petrichloral;
- 21 (44) Phenobarbital;
- 22 (45) Pinazepam;
- 23 (46) Prazepam;
- 24 (47) Quazepam;

- 1 (48) Temazepam;
- 2 (49) Tetrazepam;
- 3 (50) Triazolam;
- 4 (51) Zaleplon;
- 5 (52) Zolpidem;
- 6 (53) Zopiclone.

7 (d) Any material, compound, mixture or preparation which
8 contains any quantity of the following substance, including its
9 salts, isomers (whether optical, position or geometric) and salts
10 of such isomers whenever the existence of such salts, isomers and
11 salts of isomers is possible: Fenfluramine and Dexfenfluramine.

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

- 17 (1) Cathine ((+)-norpseudoephedrine);
- 18 (2) Diethylpropion;
- 19 (3) Fencamfamin;
- 20 (4) Fenproporex;
- 21 (5) Mazindol;
- 22 (6) Mefenorex;
- 23 (7) Modafinil;
- 24 (8) Pemoline (including organometallic complexes and chelates

1 thereof);

2 (9) Phentermine;

3 (10) Pipradrol;

4 (11) Sibutramine;

5 (12) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

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

10 (1) Pentazocine;

11 (2) Butorphanol;

12 (3) tramadol hydrochloride.

13 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
14 organic nitrites are controlled substances and no product
15 containing these compounds as a significant component shall be
16 possessed, bought or sold other than pursuant to a bona fide
17 prescription or for industrial or manufacturing purposes.

18 **§60A-2-212. Schedule V.**

19 (a) Schedule V 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 containing nonnarcotic active
23 medicinal ingredients. Any compound, mixture or preparation
24 containing any of the following narcotic drugs or their salts

1 calculated as the free anhydrous base or alkaloid in limited
2 quantities as set forth below, which shall include one or more
3 nonnarcotic active medicinal ingredients in sufficient proportion
4 to confer upon the compound, mixture or preparation valuable
5 medicinal qualities other than those possessed by the narcotic drug
6 alone:

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

9 (2) Not more than 100 milligrams of dihydrocodeine per 100
10 milliliters or per 100 grams;

11 (3) Not more than 100 milligrams of ethylmorphine per 100
12 milliliters or per 100 grams;

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

15 (5) Not more than 100 milligrams of opium per 100 milliliters
16 or per 100 grams;

17 (6) Not more than 0.5 milligrams of difenoxin and not less
18 than 25 micrograms of atropine sulfate per dosage unit.

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

24 (1) Pyrovalerone.

1 (d) Any compound, mixture or preparation containing as its
2 single active ingredient ephedrine, pseudoephedrine or
3 phenylpropanolamine, their salts or optical isomers, or salts of
4 optical isomers except products which are for pediatric use
5 primarily intended for administration to children under the age of
6 twelve: *Provided*, That neither the offenses set forth in section
7 four hundred one, article four of this chapter, nor the penalties
8 therein, shall be applicable to ephedrine, pseudoephedrine or
9 phenylpropanolamine which shall be subject to the provisions of
10 article ten of this chapter.

11 (e) *Depressants*. -- Unless specifically exempted or excluded
12 or unless listed in another schedule, any material, compound,
13 mixture or preparation which contains any quantity of the following
14 substances having a depressant effect on the central nervous
15 system, including its salts:

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

19 (2) L a c o s a m i d e [(R) - 2 - a c e t o a m i d o - N
20 -benzyl-3-methoxy-propionamide];

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

22 **§60A-3-308. Prescriptions.**

23 (a) Except when dispensed directly by a practitioner, other
24 than a pharmacy, to an ultimate user, no controlled substance in

1 Schedule II may be dispensed without the lawful prescription of a
2 practitioner.

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

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

18 (d) (1) A controlled substance included in Schedule V shall
19 not be distributed or dispensed other than for a medicinal purpose:
20 *Provided*, That buprenorphine shall be dispensed only by
21 prescription pursuant to subsections (a), (b) and (c) of this
22 section: *Provided, however*, That the controlled substances included
23 in subsection (e), section two hundred twelve, article two of this
24 chapter shall be dispensed, sold or distributed only by a

1 physician, in a pharmacy by a pharmacist or pharmacy technician, or
2 health care professional.

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

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

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

12