

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

SENATE BILL NO. 114

(By Mr. Bratherton, Mr. President)



PASSED March 10 1978

In Effect from Passage



110. 114

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Senate Bill No. 114

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 10, 1978; in effect from passage.]

AN ACT to amend and reenact sections two hundred four, two hundred six, 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 the uniform controlled substances act generally and standards and schedules specifically; relating to the addition, rescheduling and deletion of controlled substances in Schedules I, II, III and IV; and listing certain controlled substances in Schedules I, II, III and IV.

Be it enacted by the Legislature of West Virginia:

That sections two hundred four, two hundred six, 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, all to read as follows:

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

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

3 (b) Unless specifically excepted or unless listed in
4 another schedule, any of the following opiates, including
5 its isomers, esters, ethers, salts, and salts of isomers,
6 esters, and ethers whenever the existence of such isomers,
7 esters, ethers, and salts is possible within the specific
8 chemical designation:

- 9 (1) Acetylmethadol;
- 10 (2) Allylprodine;
- 11 (3) Alphacetylmethadol;

- 12 (4) Alphameprodine;
- 13 (5) Alphamethadol;
- 14 (6) Benzethidine;
- 15 (7) Betacetylmethadol;
- 16 (8) Betameprodine;
- 17 (9) Betamethadol;
- 18 (10) Betaprodine;
- 19 (11) Clonitazene;
- 20 (12) Dextromoramide;
- 21 (13) Diampromide;
- 22 (14) Diethylthiambutene;
- 23 (15) Difenoxin;
- 24 (16) Dimenoxadol;
- 25 (17) Dimepheptanol;
- 26 (18) Dimethylthiambutene;
- 27 (19) Dioxaphetyl butyrate;
- 28 (20) Dipipanone;
- 29 (21) Ethylmethylthiambutene;
- 30 (22) Etonitazene;
- 31 (23) Etoxeridine;
- 32 (24) Furethidine;
- 33 (25) Hydroxypethidine;
- 34 (26) Ketobemidone;
- 35 (27) Levomoramide;
- 36 (28) Levophenacymorphan;
- 37 (29) Morpheridine;
- 38 (30) Noracymethadol;
- 39 (31) Norlevorphanol;
- 40 (32) Normethadone;
- 41 (33) Norpipanone;
- 42 (34) Phenadoxone;
- 43 (35) Phenampromide;
- 44 (36) Phenomorphan;
- 45 (37) Phenoperidine;
- 46 (38) Piritramide;
- 47 (39) Proheptazine;
- 48 (40) Properidine;
- 49 (41) Propiram;
- 50 (42) Racemoramide;
- 51 (43) Trimeperidine.
- 52 (c) Unless specifically excepted or unless listed in

53 another schedule, any of the following opium derivatives,
54 its salts, isomers and salts of isomers whenever the exist-
55 ence of such salts, isomers, and salts of isomers is possible
56 within the specific chemical designation:

- 57 (1) Acetorphine;
- 58 (2) Acetyldihydrocodeine;
- 59 (3) Benzylmorphine;
- 60 (4) Codeine methylbromide;
- 61 (5) Codeine-N-Oxide;
- 62 (6) Cyprenorphine;
- 63 (7) Desomorphine;
- 64 (8) Dihydromorphine;
- 65 (9) Drotebanol;
- 66 (10) Etorphine (except HCL Salt);
- 67 (11) Heroin;
- 68 (12) Hydromorphenol;
- 69 (13) Methyldesorphine;
- 70 (14) Methyldihydromorphine;
- 71 (15) Morphine methylbromide;
- 72 (16) Morphine methylsulfonate;
- 73 (17) Morphine-N-Oxide;
- 74 (18) Myrophine;
- 75 (19) Nicocodeine;
- 76 (20) Nicomorphine;
- 77 (21) Normorphine;
- 78 (22) Phoclodine;
- 79 (23) Thebacon.

80 (d) Unless specifically excepted or unless listed in
81 another schedule, any material, compound, mixture or
82 preparation, which contains any quantity of the following
83 hallucinogenic substances, or which contains any of the
84 salts, isomers and salts of isomers of any thereof whenever
85 the existence of such salts, isomers and salts of isomers
86 is possible within the specific chemical designation and
87 for the purposes of this subsection only, "isomer" in-
88 cludes the optical position and geometric isomers:

- 89 (1) 2,5-dimethoxyamphetamine; also known by these
90 trade or other names: 2,5-dimethoxy-a-methylphenethyla-
91 mine; 2,5-DMA;
- 92 (2) 3,4-methylenedioxy amphetamine;

- 93 (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-
94 2,5-dimethoxy-a-methylphenethylamine, or 4-bromo-2,5-
95 DMA;
- 96 (4) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 97 (5) 4-methoxyamphetamine; also known by these trade
98 or other names: 4-methoxy-a-methylphenethylamine;
99 paramethoxyamphetamine; PMA;
- 100 (6) 3,4,5-trimethoxy amphetamine;
- 101 (7) Bufotenine; known also by these trade and other
102 names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-
103 (2-dimethylamino-ethyl)-5) indole; N-N-dimethylsero-
104 tonin; 5-hydroxy-N-dimethyltryptamine; mappine;
- 105 (8) Diethyltryptamine; known also by these trade and
106 other names: N-N-Diethyltryptamine; "DET";
- 107 (9) Dimethyltryptamine; known also by the name
108 "DMT";
- 109 (10) 4-methyl-2,5-dimethoxy amphetamine; known
110 also by these trade and other names: 4-methyl-2,5-dime-
111 thoxy-a-methylphenethylamine; "DOM"; "STP";
- 112 (11) Iboquine; known also by these trade and other
113 names: 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-
114 methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2 azepino 4,5b)
115 indole; tabernanthe iboga;
- 116 (12) Lysergic acid diethylamide;
- 117 (13) Marihuana;
- 118 (14) Mescaline;
- 119 (15) Peyote; meaning all parts of the plant presently
120 classified botanically as *Lophophora Williamsii* Lematre,
121 whether growing or not; the seeds thereof; any extract
122 from any part of such plant; and every compound, manu-
123 facture, salt, derivative, mixture or preparation of such
124 plant, its seeds or extracts;
- 125 (16) N-ethyl-3-piperidyl benzilate;
- 126 (17) N-methyl-3-piperidyl benzilate;
- 127 (18) Psilocybin;
- 128 (19) Psilocyn;
- 129 (20) Tetrahydrocannabinols; including synthetic equiv-
130 alents of the substances contained in the plant or in the
131 resinous extractives of *Cannabis* or synthetic substances,
132 derivatives and their isomers with similar chemical struc-

133 ture and pharmacological activity such as the follow-
134 ing:

135 Delta 1

136 Cis or trans tetrahydrocannabinol, and their optical
137 isomers;

138 Delta 6

139 Cis or trans tetrahydrocannabinol, and their optical
140 isomers;

141 Delta 3, 4

142 Cis or trans tetrahydrocannabinil tetrahydrocannabinol,
143 and their optical isomers;

144 (21) Thiophene analog of phencyclidine; also known
145 by these trade or other names: (A) (1-(2-thienyl) cyclo-
146 hexyl) piperidine; (B) Thienyl analog of phencyclidine;
147 TPCP;

148 (e) Unless specifically excepted or unless listed in an-
149 other schedule, any of the following depressants, its salts,
150 isomers and salts of isomers whenever the existence of
151 such salts, isomers, and salts of isomers is possible within
152 the specific chemical designation:

153 (1) Mecloqualone.

§60A-2-206. Schedule II.

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

3 (b) Unless specifically excepted or unless listed in
4 another schedule, any of the following substances whether
5 produced directly or indirectly by extraction from sub-
6 stances of vegetable origin, or independently by means of
7 chemical synthesis, or by a combination of extraction and
8 chemical synthesis:

9 (1) Opium and opiate, and any salt, compound, de-
10 rivative or preparation of opium or opiate excluding
11 nalorphine, naloxone and naltrexone and their respective
12 salts, but including the following:

13 (A) Raw opium;

14 (B) Opium extracts;

15 (C) Opium fluid extracts;

16 (D) Powdered opium;

17 (E) Granulated opium;

18 (F) Tincture of opium;

19 (G) Codeine;

20 (H) Ethylmorphine;

21 (I) Ethrophine HCL;

22 (J) Hydrocodone;

23 (K) Hydromorphone;

24 (L) Metopon;

25 (M) Morphine;

26 (N) Oxycodone;

27 (O) Oxymorphone;

28 (P) Thebaine;

29 (2) Any salt, compound, isomer derivative or prepar-
30 ation thereof which is chemically equivalent or identical
31 with any of the substances referred to in subdivision (1)
32 of this subsection, except that these substances shall not
33 include the isoquinoline alkaloids of opium;

34 (3) Opium poppy and poppy straw;

35 (4) Coca leaves and any salt, compound, derivative or
36 preparation of coca leaves, and any salt, compound, de-
37 rivative or preparation thereof which is chemically
38 equivalent or identical with any of these substances, ex-
39 cept that the substances shall not include decocainized
40 coca leaves or extractions of coca leaves, which extractions
41 do not contain cocaine or ecgonine;

42 (5) Concentrate of poppy straw (the crude extract of
43 poppy straw in either liquid, solid or powder form which
44 contains the phenanthrine alkaloids of the opium poppy).

45 (c) Unless specifically excepted or unless in another
46 schedule, any of the following opiates, including its
47 isomers, esters, ethers, salts and salts of isomers, esters
48 and ethers whenever the existence of such isomers, esters,
49 ethers and salts is possible within the specific chemical
50 designation:

51 (1) Alphaprodine;

52 (2) Anileridine;

53 (3) Bezitramide;

54 (4) Dihydrocodeine;

55 (5) Diphenoxylate;

56 (6) Fentanyl;

57 (7) Isomethadone;

58 (8) Levomethorphan;

- 59 (9) Levorphanol;
- 60 (10) Metazocine;
- 61 (11) Methadone;
- 62 (12) Methadone-Intermediate, 4-cyano-2-dimethylam-
- 63 ino-4, 4-diphenyl butane;
- 64 (13) Moramide-Intermediate, 2-methyl-3-morpholino-1,
- 65 1-diphenyl-propane-carboxylic acid;
- 66 (14) Pethidine; (meperidine);
- 67 (15) Pethidine - Intermediate-A, 4-cyano-1-methyl-4-
- 68 phenylpiperidine;
- 69 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperi-
- 70 dine-4-carboxylate;
- 71 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiper-
- 72 idine-4-carboxylic acid;
- 73 (18) Phenazocine;
- 74 (19) Piminodine;
- 75 (20) Racemethorphan;
- 76 (21) Racemorphan.

77 (d) Unless specifically excepted or unless listed in
78 another schedule, any material, compound, mixture or
79 preparation which contains any quantity of the following
80 substances having a stimulant effect on the central ner-
81 vous system:

- 82 (1) Methamphetamine, including its salts, isomers and
- 83 salts of isomers;
- 84 (2) Amphetamine, its salts, optical isomers and salts
- 85 of its optical isomers;
- 86 (3) Phenmetrazine and its salts;
- 87 (4) Methylphenidate and its salts.

88 (e) Unless specifically excepted or unless listed in
89 another schedule, any material, compound, mixture or
90 preparation which contains any quantity of the following
91 substances having a depressant effect on the central nerv-
92 ous system, including its salts, isomers, and salts of
93 isomers whenever the existence of such salts, isomers and
94 salts of isomers is possible within the specific chemical
95 designation:

- 96 (1) Methaqualone;
- 97 (2) Amobarbital;

- 98 (3) Secobarbital;
- 99 (4) Pentobarbital;
- 100 (5) Phencyclidine.

§60A-2-208. Schedule III.

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

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 following
6 substances having a stimulant effect on the central ner-
7 vous system:

- 8 (1) Benzphetamine;
- 9 (2) Chlorphentermine;
- 10 (3) Clortermine;
- 11 (4) Mazindol;
- 12 (5) Phendimetrazine.

13 (c) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture or
15 preparation which contains any quantity of the following
16 substances having a depressant effect on the central ner-
17 vous system:

- 18 (1) Any substance which contains any quantity of a
19 derivative of barbituric acid or any salt of a derivative of
20 barbituric acid;
- 21 (2) Chlorhexadol;
- 22 (3) Glutethimide;
- 23 (4) Lysergic acid;
- 24 (5) Lysergic acid amide;
- 25 (6) Methyprylon;
- 26 (7) Sulfondiethylmethane;
- 27 (8) Sulfonethylmethane;
- 28 (9) Sulfonmethane;
- 29 (10) Any compound, mixture, or preparation contain-
30 ing:
 - 31 (i) Amobarbital;
 - 32 (ii) Secobarbital;
 - 33 (iii) Pentobarbital or any salt thereof and one or more
34 other active medicinal ingredients which are not listed in
35 any schedule;

- 36 (12) Any suppository dosage form containing:
37 (i) Amobarbital;
38 (ii) Secobarbital;
39 (iii) Pentobarbital.
40 (d) Nalorphine.
- 41 (e) Narcotic drugs. Unless specifically excepted or
42 unless listed in another schedule, any material, compound,
43 mixture or preparation containing limited quantities of
44 any of the following narcotic drugs or any salts thereof:
- 45 (1) Not more than 1.8 grams of codeine per 100 milli-
46 liters and not more than 90 milligrams per dosage unit,
47 with an equal or greater quantity of an isoquinoline alka-
48 loid of opium;
- 49 (2) Not more than 1.8 grams of codeine per 100 milli-
50 liters and not more than 90 milligrams per dosage unit,
51 with one or more active, nonnarcotic ingredients in
52 recognized therapeutic amounts;
- 53 (3) Not more than 300 milligrams of dihydrocodeinone
54 per 100 milliliters and not more than 15 milligrams per
55 dosage unit, with a fourfold or greater quantity of an
56 isoquinoline alkaloid of opium;
- 57 (4) Not more than 300 milligrams of dihydrocodeinone
58 per 100 milliliters and not more than 15 milligrams per
59 dosage unit, with one or more active, nonnarcotic ingre-
60 dients in recognized therapeutic amount;
- 61 (5) Not more than 1.8 grams of dihydrocodeine per 100
62 milliliters and not more than 90 milligrams per dosage
63 unit, with one or more active, nonnarcotic ingredients in
64 recognized therapeutic amount;
- 65 (6) Not more than 300 milligrams of ethylmorphine per
66 100 milliliters and not more than 15 milligrams per dosage
67 unit, with one or more active, nonnarcotic ingredients in
68 recognized therapeutic amounts;
- 69 (7) Not more than 500 milligrams of opium per 100
70 milliliters or per 100 grams and not more than 25 milli-
71 grams per dosage unit, with one or more active, nonnar-
72 cotic ingredients in recognized therapeutic amounts;
- 73 (8) Not more than 50 milligrams of morphine per 100
74 milliliters or per 100 grams and not more than 2.5
75 milligrams per dosage unit, with one or more active,

76 nonnarcotic ingredients in recognized therapeutic
77 amounts.

§60A-2-210. Schedule IV.

1 (a) The controlled substances listed in this section are
2 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 following
6 substances, including its salts, isomers and salts of iso-
7 mers whenever the existence of such salts, isomers and
8 salts of isomers is possible within the specific chemical
9 designation:

- 10 (1) Barbital;
- 11 (2) Chloral betaine;
- 12 (3) Chloral hydrate;
- 13 (4) Ethchlorvynol;
- 14 (5) Ethinamate;
- 15 (6) Methohexital;
- 16 (7) Meprobamate;
- 17 (8) Methylphenobarbital, as methobarbital;
- 18 (9) Paraldehyde;
- 19 (10) Petrichloral;
- 20 (11) Phenobarbital;
- 21 (12) Lorazepam;
- 22 (13) Mebutamate;
- 23 (14) Clorazepate;
- 24 (15) Chlordiazepoxide;
- 25 (16) Clonazepam;
- 26 (17) Diazepam;
- 27 (18) Flurazepam;
- 28 (19) Oxazepam;
- 29 (20) Prazepam.

30 (c) Any material, compound, mixture or preparation
31 which contains any quantity of the following substance,
32 including its salts, isomers (whether optical position or
33 geometric), and salts of such isomers whenever the exis-
34 tence of such salts, isomers and salts of isomers is possible:
35 Fenfluramine.

36 (d) Unless specifically excepted or unless listed in
37 another schedule, any material, compound, mixture, or
38 preparation which contains any quantity of the following
39 substances having a stimulant effect on the central ner-
40 vous system, including its salts, isomers (whether optical,
41 position, or (geometric), and salts of such isomers when-
42 ever the existence of such salts, isomers, and salts of iso-
43 mers is possible within the specific chemical designation:

- 44 (1) Diethylpropion;
- 45 (2) Phentermine;
- 46 (3) Pemoline (including organometallic complexes and
47 chelates thereof);
- 48 (4) Dextropropoxyphene (alpha-(+)-4-dimethylamino-
49 1, 2-diphenyl-3-methyl-2-propionoxybutane).

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

James L. Davis
Chairman Senate Committee

Clarence C. Chestnut
Chairman House Committee

Originated in the Senate.

in effect from passage.

J. C. Willson, Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton, Jr.
President of the Senate

Donald L. Hopp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. Raluyell
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED

MAR 17 10 52 AM '78

OFFICE OF THE GOVERNOR

Date March 24, 1978

Time 11:05 A.M.

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SECY. OF STATE