WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

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ENROLLED

Com. Sub. for

HOUSE BILL No. 907

(By Mr. Speaker, Mr. Lee)

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Passed March 26, 1981

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections two hundred four, two hundred six, two hundred ten and two hundred twelve, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the schedules of controlled substances; additional substances included.

Be it enacted by the Legislature of West Virginia:

That sections two hundred four, two hundred six, two hundred ten and two hundred twelve, 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-2-204. Schedule I.

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

3. (b) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
(1) Acetylmethadol; 
(2) Allylprodine; 
(3) Alphacetylmethadol; 
(4) Alphameprodine; 
(5) Alphamethadol; 
(6) Benzethidine; 
(7) Betacetylmethadol; 
(8) Betameprodine; 
(9) Betamethadol; 
(10) Betaprodine; 
(11) Clonitazene; 
(12) Dextromoramide; 
(13) Diampropidine; 
(14) Diethylthiambutene; 
(15) Difenoxin; 
(16) Dimemoxadol; 
(17) Dimephtanol; 
(18) Dimethylthiambutene; 
(19) Dioxaphetyl butyrate; 
(20) Dipipanone; 
(21) Ethylmethylthiambutene; 
(22) Etonitazene; 
(23) Etoxeridine; 
(24) Furethidine; 
(25) Hydroxypethidine; 
(26) Ketobemidone; 
(27) Levomoramide;
35  (28) Levophenacylmorphan;
36  (29) Morpheridine;
37  (30) Noracymethadol;
38  (31) Norlevorphanol;
39  (32) Normethadone;
40  (33) Norpipanone;
41  (34) Phenadoxone;
42  (35) Phenampromide;
43  (36) Phenomorphan;
44  (37) Phenoperidine;
45  (38) Piritramide;
46  (39) Proheptazine;
47  (40) Properidine;
48  (41) Propiram;
49  (42) Racemoramide;
50  (43) Sufentanil;
51  (44) Tilidine;
52  (45) Trimeperidine.
53  (c) Unless specifically excepted or unless listed in another
54  schedule, any of the following opium derivatives, its salts, iso-
55  mers and salts of isomers whenever the existence of such salts,
56  isomers and salts of isomers is possible within the specific
57  chemical designation:
58  (1) Acetorphine;
59  (2) Acetyldihydrocodeine;
60  (3) Benzylmorphine;
61  (4) Codeine methylbromide;
62  (5) Codeine-N-Oxide;
(6) Cyrenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotoebanol;
(10) Etorphine (except HCL Salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Phoclodine;
(23) Thebacon.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of the salts, isomers and salts of isomers of any thereof whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and for the purposes of this subsection only, “isomer” includes the optical position and geometric isomers;

(1) 2,5-dimethoxyamphetamine; also known by these trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
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93  (2) 3,4-methylenedioxy amphetamine;

94  (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-2,5-
dimethoxy-a-methylphenethylamine, or 4-bromo-2,5-DMA;

96  (4) 5-methoxy-3, 4-methylenedioxy amphetamine;

97  (5) 4-methoxyamphetamine; also known by these trade or
other names; 4-methoxy-a-methylphenethylamine; parameth-
oxyamphetamine; PMA;

100  (6) 3,4,5-trimethoxy amphetamine;

101  (7) Bufotenine; known also by these trade and other names;

102  3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethyla-
mino-ethyl)-5) indolol; N-N-dimethylserotonin; 5-hydroxy-N-
dimethyltryptamine; mappine;

105  (8) Diethyltryptamine; known also by these trade and other
names; N-N-Diethyltryptamine; “DET”;

107  (9) Dimethyltryptamine; known also by the name “DMT”;

108  (10) d-methyl-2,5-dimethoxy amphetamine; known also by
these trade and other names: 4-methyl-2,5-dimethoxy-a-methyl-
phenethylamine; “DOM”; “STP”;

111  (11) Iboqaine; known also by these trade and other names:

112  7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,

113  9-methano-5H-pyrido (1', 2': 1, 2 azepino 4,5b) indole; ta-
bernanthe iboga;

115  (12) Lysergic acid diethylamide;

116  (13) Marihuana;

117  (14) Mescaline;

118  (15) Peyote; meaning all parts of the plant presently
classified botanically as Lophophora Williamsii Lematre,
whether growing or not; the seeds thereof; any extract from
any part of such plant; and every compound, manufacture,
salt, derivative, mixture or preparation of such plant, its seeds
or extracts;

124  (16) N-ethyl-3-piperidyl benzilate;

125  (17) N-methyl-3-piperidyl benzilate;

(18) Psilocybin;
(19) Psilocyn;
(20) Tetrahydrocannabinols; including synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis or synthetic substances, derivatives and their isomers with similar chemical structure and pharmacological activity such as the following:

Delta 1
Cis or trans tetrahydrocannabinol, and their optical isomers;
Delta 6
Cis or trans tetrahydrocannabinol, and their optical isomers;
Delta 3, 4
Cis or trans tetrahydrocannabinil tetrahydrocannabinol, and their optical isomers;

(21) Thiophene analog of phencyclidine; also known by these trade or other names: (A) (1-2-thienyl) (1-1-thieyl) cyclohexyl piperidine; (B) Thienyl analog of phencyclidine; TPCP;

(22) Ethylamine analog of phencyclidine... Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenyl-cyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(23) Pyrrolidine analog of phencyclidine... Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.

(e) Unless specifically excepted or unless listed in another schedule, any of the following depressants, its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone.

§60A-2-206. Schedule II.

(a) The controlled substances listed in this section are included in Schedule II.
(b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative or preparation of opium or opiate excluding nalorphine, naloxone and naltrexone and their respective salts, but including the following:

   (A) Raw opium;
   (B) Opium extracts;
   (C) Opium fluid extracts;
   (D) Powdered opium;
   (E) Granulated opium;
   (F) Tincture of opium;
   (G) Codeine;
   (H) Ethylmorphine;
   (I) Ethorphine HCL;
   (J) Hydrocodone;
   (K) Hydromorphone;
   (L) Metopon;
   (M) Morphine;
   (N) Oxycodone;
   (O) Oxymorphone;
   (P) Thebaine;

2. Any salt, compound, isomer derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;
(3) Opium poppy and poppy straw;
(4) Coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions of coca leaves, which extractions do not contain cocaine or ecgonine;
(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).
(c) Unless specifically excepted or unless in another schedule, any of the following opiates, including its isomers, esters, ethers, salts and salts of isomers, esters and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Dextrorphan—excepted;
(5) Dihydrocodeine;
(6) Diphenoxylate;
(7) Fentanyl;
(8) Isomethadone;
(9) Levopropoxyphene—excepted;
(10) Levomethorphan;
(11) Levorphanol;
(12) Metazocine;
(13) Methadone;
(14) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(15) Moramide-Intermediate,
2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
(16) Pethidine; (meperidine);
(17) Pethidine—Intermediate—A,
4-cyano-1-methyl-4-phenylpiperidine;
(18) Pethidine—Intermediate—B,
ethyl-4-phenylpiperiden-ethyl-4-phenylpiperidin-4-carboxylate;
(19) Pethidine—Intermediate—C,
1-methyl-4-phenylpiperidine-4-carboxylic acid;
(20) Phenazocine;
(21) Piminodine;
(22) Racemethorphan;
(23) Racemorphan;
(24) Bulk Dextropropoxyphene (non dosage forms).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system;
(1) Methamphetamine, including its salts, isomers and salts of isomers;
(2) Amphetamine, its salts, optical isomers and salts of its optical isomers;
(3) Phenmetrazine and its salts;
(4) Methylphenidate and its salts.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
(1) Methaqualone;
(2) Amobarbital;
(3) Secobarbital;
(4) Pentobarbital;
(5) Phencyclidine.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine;

(i) Phenylacetone

Some trade or other names: phenyl-2-propanone; P2P; benzylmethyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):

(i) 1-phenylcyclohexylamine

(ii) 1-piperidinocyclohexanecarbonitrile (PCC).

§60A-2-210. Schedule IV.

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

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

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

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

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion;
(2) Phentermine;
(3) Pemoline (including organometallic complexes and chelates thereof);

(4) Pipradrol:

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

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

(1) Dextropropoxyphene (alpha-(-)+) - 4 - dimethylamino-1, 2 - diphenyl - 3 - methyl - 2 - propionoxybutane):

(f) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

§60A-2-212. Schedule V.

(a) The controlled substances listed in this section are included in Schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams and not more than 10 milligrams per dosage unit;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit;

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

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

c) Loperamide.

d) Amyl Nitrite, isobutyl nitrite and the other organic nitrites are controlled substances and no product containing these compounds as a significant component shall be possessed, bought or sold other than pursuant to a bona fide prescription, or for industrial or manufacturing purposes.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ this the _______ day of _______, 1981.

Governor