

APPROVED AND SIGNED BY THE GOVERNOR

Date April 7, 1981

Time 8:30 pm

No: 907

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 907

(By Mr. Speaker, Mr. Lee)

— ● —

Passed March 26, 1981

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 907

(By MR. SPEAKER, MR. SEE)

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

- 8 (1) Acetylmethadol;
- 9 (2) Allylprodine;
- 10 (3) Alphacetylmethadol;
- 11 (4) Alphameprodine;
- 12 (5) Alphamethadol;
- 13 (6) Benzethidine;
- 14 (7) Betacetylmethadol;
- 15 (8) Betameprodine;
- 16 (9) Betamethadol;
- 17 (10) Betaprodine;
- 18 (11) Clonitazene;
- 19 (12) Dextromoramide;
- 20 (13) Diampromide;
- 21 (14) Diethylthiambutene;
- 22 (15) Difenoxin;
- 23 (16) Dimemoxadol;
- 24 (17) Dimepheptanol;
- 25 (18) Dimethylthiambutene;
- 26 (19) Dioxaphetyl butyrate;
- 27 (20) Dipipanone;
- 28 (21) Ethylmethylthiambutene;
- 29 (22) Etonitazene;
- 30 (23) Etoxidine;
- 31 (24) Furethidine;
- 32 (25) Hydroxypethidine;
- 33 (26) Ketobemidone;
- 34 (27) Levomoramide;

- 35 (28) Levophenacylmorphane;
- 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;

- 63 (6) Cyprenorphine;
- 64 (7) Desomorphine;
- 65 (8) Dihydromorphine;
- 66 (9) Drotebanol;
- 67 (10) Etorphine (except HCL Salt);
- 68 (11) Heroin;
- 69 (12) Hydromorphenol;
- 70 (13) Methyldesorphine;
- 71 (14) Methyldihydromorphine;
- 72 (15) Morphine methylbromide;
- 73 (16) Morphine methylsulfonate;
- 74 (17) Morphine-N-Oxide;
- 75 (18) Myrophine;
- 76 (19) Nicocodeine;
- 77 (20) Nicomorphine;
- 78 (21) Normorphine;
- 79 (22) Phoclodine;
- 80 (23) Thebacon.

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

90 (1) 2,5-dimethoxyamphetamine; also known by these trade
91 or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-
92 DMA;

- 93 (2) 3,4-methylenedioxy amphetamine;
- 94 (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-2,5-
95 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
98 other names; 4-methoxy-a-methylphenethylamine; parameth-
99 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-
103 mino-ethyl)-5) indolol; N-N-dimethylserotonin; 5-hydroxy-N-
104 dimethyltryptamine; mappine;
- 105 (8) Diethyltryptamine; known also by these trade and other
106 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
109 these trade and other names: 4-methyl-2,5-dimethoxy-a-methyl-
110 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-
114 bernanthe iboga;
- 115 (12) Lysergic acid diethylamide;
- 116 (13) Marihuana;
- 117 (14) Mescaline;
- 118 (15) Peyote; meaning all parts of the plant presently
119 classified botanically as Lophophora Williamsii Lematre,
120 whether growing or not; the seeds thereof; any extract from
121 any part of such plant; and every compound, manufacture,
122 salt, derivative, mixture or preparation of such plant, its seeds
123 or extracts;
- 124 (16) N-ethyl-3-piperidyl benzilate;
- 125 (17) N-methyl-3-piperidyl benzilate;

126 (18) Psilocybin;

127 (19) Psilocyn;

128 (20) Tetrahydrocannabinols; including synthetic equivalents
129 of the substances contained in the plant or in the resinous
130 extractives of Cannabis or synthetic substances, derivatives and
131 their isomers with similar chemical structure and pharma-
132 cological activity such as the following:

133 Delta 1

134 Cis or trans tetrahydrocannabinol, and their optical isomers;

135 Delta 6

136 Cis or trans tetrahydrocannabinol, and their optical isomers;

137 Delta 3, 4

138 Cis or trans tetrahydrocannabinil tetrahydrocannabinol, and
139 their optical isomers;

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

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

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

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

155 (1) Mecloqualone.

§60A-2-206. Schedule II.

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

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

9 (1) Opium and opiate, and any salt, compound, derivative
 10 or preparation of opium or opiate excluding nalorphine,
 11 naloxone and naltrexone and their respective salts, but in-
 12 cluding 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 preparation
 30 thereof which is chemically equivalent or identical with any
 31 of the substances referred to in subdivision (1) of this sub-
 32 section, except that these substances shall not include the
 33 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, deriva-
37 tive or preparation thereof which is chemically equivalent or
38 identical with any of these substances, except that the sub-
39 stances shall not include decocainized coca leaves or extrac-
40 tions of coca leaves, which extractions do not contain cocaine
41 or ecgonine;

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

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

50 (1) Alphaprodine;

51 (2) Anileridine;

52 (3) Bezitramide;

53 (4) Dextrophan—excepted;

54 (5) Dihydrocodeine;

55 (6) Diphenoxylate;

56 (7) Fentanyl;

57 (8) Isomethadone;

58 (9) Levopropoxyphene—excepted;

59 (10) Levomethorphan;

60 (11) Levorphanol;

61 (12) Metazocine;

62 (13) Methadone;

63 (14) Methadone—Intermediate,

64 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

65 (15) Moramide-Intermediate,
66 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

67 (16) Pethidine; (meperidine);

68 (17) Pethidine—Intermediate—A,
69 4-cyano-1-methyl-4-phenylpiperidine;

70 (18) Pethidine—Intermediate—B,
71 ethyl-4-phenylpiperiden-ethyl-4-phenylpiper-idin-4-carboxylate;

72 (19) Pethidine—Intermediate—C,
73 1-methyl-4-phenylpiperidine-4-carboxylic acid;

74 (20) Phenazocine;

75 (21) Piminodine;

76 (22) Racemethorphan;

77 (23) Racemorphan;

78 (24) Bulk Dextropropoxyphene (non dosage forms).

79 (d) Unless specifically excepted or unless listed in another
80 schedule, any material, compound, mixture or preparation
81 which contains any quantity of the following substances hav-
82 ing a stimulant effect on the central nervous system;

83 (1) Methamphetamine, including its salts, isomers and salts
84 of isomers;

85 (2) Amphetamine, its salts, optical isomers and salts of its
86 optical isomers;

87 (3) Phenmetrazine and its salts;

88 (4) Methylphenidate and its salts.

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

96 (1) Methaqualone;

- 97 (2) Amobarbital;
- 98 (3) Secobarbital;
- 99 (4) Pentobarbital;
- 100 (5) Phencyclidine.
- 101 (f) Immediate precursors. Unless specifically excepted or
- 102 unless listed in another schedule, any material, compound,
- 103 mixture, or preparation which contains any quantity of the
- 104 following substances:
 - 105 (1) Immediate precursor to amphetamine and
 - 106 methamphetamine;
 - 107 (i) Phenylacetone
 - 108 Some trade or other names: phenyl-2-propanone;
 - 109 P2P; benzylmethyl ketone; methyl benzyl ketone.
 - 110 (2) Immediate precursors to phencyclidine (PCP):
 - 111 (i) 1-phenylcyclohexylamine
 - 112 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

§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 another
- 4 schedule, any material, compound, mixture or preparation
- 5 which contains any quantity of the following substances, in-
- 6 cluding its salts, isomers and salts of isomers whenever the
- 7 existence of such salts, isomers and salts of isomers is possible
- 8 within the specific chemical designation:
 - 9 (1) Barbital;
 - 10 (2) Chloral betaine;
 - 11 (3) Chloral hydrate;
 - 12 (4) Ethchlorvynol;
 - 13 (5) Ethinamate;
 - 14 (6) Methohexital;

- 15 (7) Meprobamate;
 - 16 (8) Methylphenobarbital, as methobarbital;
 - 17 (9) Paraldehyde;
 - 18 (10) Petrichloral;
 - 19 (11) Phenobarbital;
 - 20 (12) Lorazepam;
 - 21 (13) Mebutamate;
 - 22 (14) Clorazepate;
 - 23 (15) Chlordiazepoxide;
 - 24 (16) Clonazepam;
 - 25 (17) Diazepam;
 - 26 (18) Flurazepam;
 - 27 (19) Oxazepam;
 - 28 (20) Prazepam;
 - 29 (21) Pentazocine.
- 30 (c) Any material, compound, mixture or preparation which
31 contains any quantity of the following substance, including
32 its salts, isomers (whether optical, position or geometric)
33 and salts of such isomers whenever the existence of such
34 salts, isomers and salts of isomers is possible: Fenfluramine.
- 35 (d) Unless specifically excepted or unless listed in another
36 schedule, any material, compound, mixture or preparation
37 which contains any quantity of the following substances hav-
38 ing a stimulant effect on the central nervous system, including
39 its salts, isomers (whether optical, position or geometric) and
40 salts of such isomers whenever the existence of such salts,
41 isomers and salts of isomers is possible within the specific
42 chemical designation:
- 43 (1) Diethylpropion;
 - 44 (2) Phentermine;
 - 45 (3) Pemoline (including organometallic complexes and che-
46 lates thereof);

47 (4) Pipradrol:

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

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

53 (1) Dextropropoxyphene (alpha -(+) - 4 - dimethylamino-
54 1, 2 - diphenyl - 3 - methyl - 2 - propionoxybutane):

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

§60A-2-212. Schedule V.

1 (a) The controlled substances listed in this section are in-
2 cluded in Schedule V.

3 (b) Narcotic drugs containing nonnarcotic active medicinal
4 ingredients. Any compound, mixture or preparation contain-
5 ing any of the following limited quantities of narcotic drugs or
6 salts thereof, which shall include one or more nonnarcotic
7 active medicinal ingredients in sufficient proportion to confer
8 upon the compound, mixture or preparation valuable medi-
9 cinal qualities other than those possessed by the narcotic
10 drug alone:

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

14 (2) Not more than 100 milligrams of dihydrocodeine per
15 100 milliliters or per 100 grams and not more than 5 milli-
16 grams per dosage unit;

17 (3) Not more than 100 milligrams of ethylmorphine per
18 100 milliliters or per 100 grams and not more than 5 milli-
19 grams per dosage unit;

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

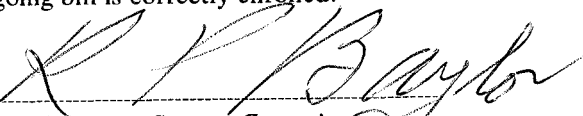
22 (5) Not more than 100 milligrams of opium per 100 milli-
23 liters or per 100 grams;

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

26 (c) Loperamide.

27 (d) Amyl Nitrite, isobutyl nitrite and the other organic
28 nitrites are controlled substances and no product containing
28 these compounds as a significant component shall be pos-
30 sessed, bought or sold other than pursuant to a bona fide
31 prescription, or for industrial or manufacturing purposes.

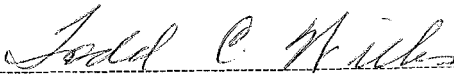
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

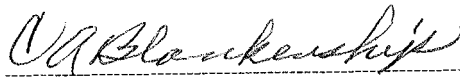

Chairman Senate Committee

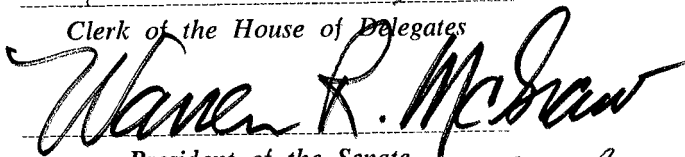

Chairman House Committee

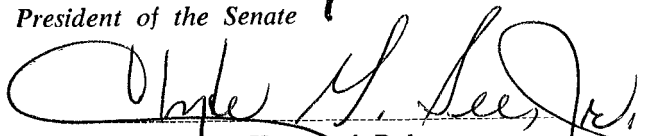
Originated in the House.

Takes effect ninety days from passage.

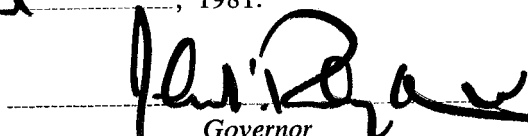

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within is approved this the 7
day of April, 1981.


Governor

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SECY. OF STATE