

No. 1082 ✓

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



ENROLLED

HOUSE BILL No. 1082

(By Mr. *Speaker, Mr. Albright*)



Passed *March 4*, 1985

In Effect *Ninety Days From* Passage



ENROLLED

H. B. 1082

(By SPEAKER, MR. ALBRIGHT)

[Passed March 4, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact sections two hundred four and two hundred six, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to controlled substances; changing certain substances between schedules.

Be it enacted by the Legislature of West Virginia:

That sections two hundred four and two hundred six, 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:

§60A-2-204. Schedule I.

- 1 (a) The controlled substances listed in this section are
- 2 included 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 salts
- 7 is possible within the specific chemical designation:
 - 8 (1) Acetylmethadol;
 - 9 (2) Allylprodine;
 - 10 (3) Alphacetylmethadol;
 - 11 (4) Alphameprodine;
 - 12 (5) Alphamethadol;
 - 13 (6) Alpha-methylfentanyl;
 - 14 (7) Benzethidine;

- 15 (8) Betacetylmethadol;
- 16 (9) Betameprodine;
- 17 (10) Betamethadol;
- 18 (11) Betaprodine;
- 19 (12) Clonitazene;
- 20 (13) Dextromoramide;
- 21 (14) Diampromide;
- 22 (15) Diethylthiambutene;
- 23 (16) Difenoxin;
- 24 (17) Dimenoxadol;
- 25 (18) Dimepheptanol;
- 26 (19) Dimethylthiambutene;
- 27 (20) Dioxaphetylbutyrate;
- 28 (21) Dipipanone;
- 29 (22) Ethylmethylthiambutene;
- 30 (23) Etonitazene;
- 31 (24) Etoxidine;
- 32 (25) Fenethylline;
- 33 (26) Furethidine;
- 34 (27) Hydroxypethidine;
- 35 (28) Ketobemidone;
- 36 (29) Levomoramide;
- 37 (30) Levophenacymorphan;
- 38 (31) Morpheridine;
- 39 (32) Noracymethadol;
- 40 (33) Norlevorphanol;
- 41 (34) Normethadone;
- 42 (35) Norpipanone;
- 43 (36) Phenadoxone;
- 44 (37) Phenampromide;
- 45 (38) Phenomorphan;
- 46 (39) Phenoperidine;
- 47 (40) Piritramide;
- 48 (41) Proheptazine;
- 49 (42) Properidine;
- 50 (43) Propiram;
- 51 (44) Racemoramide;
- 52 (45) Tilidine;
- 53 (46) Trimeperidine.

54 (c) Unless specifically excepted or unless listed in another
55 schedule, any of the following opium derivatives, its salts,
56 isomers and salts of isomers whenever the existence of such

57 salts, isomers and salts of isomers is possible within the specific
58 chemical designation:

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

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

- 91 (1) 2,5-dimethoxyamphetamine; also known by these trade
92 or other names: 2,5-dimethoxy-a-methylphenethyl-amine; 2,5-
93 DMA;
- 94 (2) 3,4-methylenedioxy amphetamine;
- 95 (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-2,5-
96 dimethoxy-a-methylphenethylamine, or 4-bromo-2,5-DMA;

- 97 (4) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 98 (5) 4-methoxyamphetamine; also known by these trade or
99 other names: 4-methoxy-amethylphenethylamine; paramen-
100 hoxyamphetamine; PMA;
- 101 (6) 3,4,5-trimethoxy amphetamine;
- 102 (7) Bufotenine; known also by these trade and other
103 names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
104 dimethylamino-ethyl)-5 indolol; N-N-dimethylserotonin; 5-
105 hydroxy-N-dimethyltryptamine; mappine;
- 106 (8) Diethyltryptamine; known also by these trade and
107 other names: N-N-Diethyltryptamine; "DET";
- 108 (9) Dimethyltryptamine; known also by the name "DMT";
- 109 (10) 4-methyl-2,5-dimethoxy amphetamine; known also by
110 these trade and other names: 4-methyl-2,5-dimethoxy-a-
111 methylphenethylamine; "DOM"; "STP";
- 112 (11) Ibogaine; known also by these trade and other names:
113 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,9-
114 methano-5H-pyrido (1', 2': 1, 2 azepino 4,5b) indole;
115 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 from
122 any part of such plant; and every compound, manufacture,
123 salt, derivative, mixture or preparation of such plant, its seeds
124 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 equival-
130 ents of the substances contained in the plant or in the resinous

131 extractives of Cannabis or synthetic substances, derivatives
132 and their isomers with similar chemical structure and
133 pharmacological activity such as the following:

134 Delta 1

135 Cis or trans tetrahydrocannabinol, and their optical isomers;

136 Delta 6

137 Cis or trans tetrahydrocannabinol, and their optical isomers;

138 Delta 3, 4

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

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

144 (22) Ethylamine analog of phencyclidine. . . Some trade or
145 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclo-
146 hexyl)ethylamine, N-(1phenylcyclohexyl) ethylamine, cyclo-
147 hexamine, PCE;

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

150 (24) N-ethylamphetamine;

151 (25) Parahexyl.

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

157 (1) Mecloqualone.

158 (2) Methaqualone.

§60A-2-206. Schedule II.

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

6 vegetable origin, or independently by means of chemical
7 synthesis, or by a combination of extraction and chemical
8 synthesis:

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
12 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 preparation
30 thereof which is chemically equivalent or identical with any
31 of the substances referred to in subdivision (1) of this
32 subsection, 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, derivative
37 or preparation thereof which is chemically equivalent or
38 identical with any of these substances, except that the
39 substances shall not include decocainized coca leaves or
40 extractions of coca leaves, which extractions do not contain
41 cocaine or ecgonine;

42 (5) Concentrate of poppy straw (the crude extract of poppy
43 straw in either liquid, solid or powder form which contains
44 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 isomers,
47 esters, ethers, salts and salts of isomers, esters and ethers
48 whenever the existence of such isomers, esters, ethers and salts
49 is possible within the specific chemical designation:

- 50 (1) Alphaprodine;
- 51 (2) Anileridine;
- 52 (3) Bezitramide;
- 53 (4) Dextrorphan — 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, 4-cyano-2-dimethylamino-4,
64 4-diphenyl butane;
- 65 (15) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-
66 diphenyl-propane-carboxylic acid;
- 67 (16) Pethidine; (meperidine);
- 68 (17) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
69 phenylpiperidine;
- 70 (18) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-
71 ethyl-4-phenylpiperidin-4-carboxylate;
- 72 (19) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperi-
73 dine-4-carboxylic acid;
- 74 (20) Phenazocine;
- 75 (21) Piminodine;

76 (22) Racemethorphan;

77 (23) Racemorphan;

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

79 (25) Sufentanil.

80 (D) Unless specifically excepted or unless listed in another
81 schedule, any material, compound, mixture or preparation
82 which contains any quantity of the following substances having
83 a stimulant effect on the central nervous system:

84 (1) Methamphetamine, including its salts, isomers and salts
85 of isomers:

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

88 (3) Phenmetrazine and its salts;

89 (4) Methylphenidate and its salts.

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

97 (1) Amobarbital;

98 (2) Secobarbital;

99 (3) Pentobarbital;

100 (4) 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 meth-
106 amphetamine:

107 (i) Phenylacetone

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

- 110 (2) Immediate precursors to phencyclidine (PCP):
- 111 (i) 1-phenylcyclohexylamine
- 112 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

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

Samuel Adams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jesse C. White
Clerk of the Senate

Donald L. Hopp
Clerk of the House of Delegates

Dan Tenkover
President of the Senate

Joseph P. Albright
Speaker of the House of Delegates

The within *approved* this the *15th*
March
day of _____, 1985.

Arch A. Moore, Jr.
Governor



PRESENTED TO THE

GOVERNOR

Date 3/11/85

Time 10:10 a.m.

RECEIVED

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OFFICE OF THE SECRETARY OF STATE