WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

SENATE BILL NO. 654

(By Senator

PASSED March 8, 1986
In Effect 90 days from Passage
ENROLLED

Senate Bill No. 654

(BY SENATOR TONKOVICH. MR. PRESIDENT)

[Passed March 8, 1986, in effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

That sections two hundred four, two hundred six 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 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:

9 (1) Acetylmethadol;

10 (2) Allylprodine;
(3) Alphacetylmethadol;  
(4) Alphameprodine;  
(5) Alphamethadol;  
(6) Alpha-methylfentanyl;  
(7) Benzethidine;  
(8) Betaacetymethadol;  
(9) Betameprodine;  
(10) Betamethadol;  
(11) Betaprodine;  
(12) Clonitazene;  
(13) Dextromoramide;  
(14) Diampromide;  
(15) Diethylthiambutene;  
(16) Difenoxin;  
(17) Dimenoxadol;  
(18) Dimepheptanol;  
(19) Dimethylthiambutene;  
(20) Dioxaphetylbutyrate;  
(21) Dipipanone;  
(22) Ethylmethylthiambutene;  
(23) Etonitazene;  
(24) Etoxeridine;  
(25) Fenethylline;  
(26) Furethidine;  
(27) Hydroxypethidine;  
(28) Ketobemidone;  
(29) Levomoramide;  
(30) Levophenacylmorphan;  
(31) Morphoridine;  
(32) Noracymethadol;  
(33) Norlevorphanol;  
(34) Normethadone;  
(35) Norpipanone;  
(36) Phenadoxone;  
(37) Phenampromide;  
(38) Phenomorphan;  
(39) Phenoperidine;  
(40) Piritramide;  
(41) Proheptazine;  
(42) Properidine;  
(43) Propiram;  
(44) Racemoramide;
53  (45) Tilidine;
54  (46) Trimeperidine.
55  (c) Unless specifically excepted or unless listed in
56 another schedule, any of the following opium derivatives,
57 its salts, isomers and salts of isomers whenever the
58 existence of such salts, isomers and salts of isomers is
59 possible within the specific chemical designation:
60  (1) Acetorphine;
61  (2) Acetyldihydrocodeine;
62  (3) Benzylmorphine;
63  (4) Codeine methylbromide;
64  (5) Codeine-N-Oxide;
65  (6) Cyprenorphine;
66  (7) Desomorphine;
67  (8) Dihydromorphine;
68  (9) Drotebanol;
69  (10) Etorphine (except HCl Salt);
70  (11) Heroin;
71  (12) Hydromorphinol;
72  (13) Methyldesorphine;
73  (14) Methylidihydromorphine;
74  (15) Morphine methylbromide;
75  (16) Morphine methylsulfonate;
76  (17) Morphine-N-Oxide;
77  (18) Myrophine;
78  (19) Nicocodeine;
79  (20) Nicomorphine;
80  (21) Normorphine;
81  (22) Phoclodine;
82  (23) Thebacon.
83  (d) Unless specifically excepted or unless listed in
84 another schedule, any material, compound, mixture or
85 preparation, which contains any quantity of the following
86 hallucinogenic substances, or which contains any of the
87 salts, isomers and salts of isomers of any thereof whenever
88 the existence of such salts, isomers and salts of isomers is
89 possible within the specific chemical designation and for
90 the purposes of this subsection only, "isomer" includes the
91 optical position and geometric isomers:
92  (1) 2,5-dimethoxyamphetamine; also known by these
93 trade or other names: 2,5-dimethoxy-a-methylphenethyl-
94 amine; 2,5-DMA;
(2) 3,4-methylenedioxy amphetamine;
(3) 4-bromo-2,5-dimethoxyamphetamine or 4-bromo-2,5-DMA;
(4) 5-methoxy-3,4-methylenedioxy amphetamine;
(5) 4-methoxyamphetamine; also known by these trade or other names: 4-methoxy-amphetamine;
paramethoxyamphetamine; PMA;
(6) 3,4,5-trimethoxy amphetamine;
(7) Bufotenine; known also by these trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylamino-ethyl)-5 indolol; N-N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine; mappine;
(8) Diethyltryptamine; known also by these trade and other names: N-N-Diethyltryptamine; "DET";
(9) Dimethyltryptamine; known also by the name "DMT";
(10) 4-methyl-2,5-dimethoxyamphetamine; known also by these trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; "STP";
(11) Ibogaine; known also by these trade and other names: 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,9-methano-5H-pyrido (1', 2': 1, 2 azepino 4,5b) indole; tabernanthe iboga;
(12) Lysergic acid diethylamide;
(13) Marihuana;
(14) Mescaline;
(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;
(16) N-ethyl-3-piperidyl benzilate;
(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 tetrahydrocannabinol tetrahydrocannabinol,
and their optical isomers;
(21) Thiophene analog of phencyclidine; also known by
these trade or other names: (A) (1-(2-thienyl) cyclohexyl)
piperidine; (B) Thiienyl analog of phencyclidine; TPCP;
(22) Ethylamine analog of phencyclidine... Some trade
or other names: N-ethyl-1-phenylcyclohexylamine, (l-
phenylcyclohexyl) ethylamine, N-(l-phenylcyclohexyl)
ethylamine, cyclohexamine, PCE;
(23) Pyrrolidine analog of phencyclidine... Some trade
or other names: 1-(l-phenylcyclohexyl)pyrrolidine, PCPy,
PHP;
(24) N-ethylamphetatine;
(25) Parahexyl.
(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.
(2) Methaqualone.
(f) Any material, compound, mixture or preparation
which contains any quantity of the following substances:
(1) Acetyl-alphamethylfentanyl;
(2) Alpha-methylthiofentanyl;
(3) Benzylfentanyl;
(4) Beta-hydroxyfentanyl;
(5) Beta-hydroxy-3-methylfentanyl;
(6) 3-Methylthiofentanyl;
(7) Thenylfentanyl;
(8) Thiofentanyl;
(9) 1-Methyl-4-phenyl-4-propionoxypiperidine
(MPPP), its optical isomers, salts and salts of isomers;
179  (10) 1-(2-Phenylethyl)-4-phenyl-4-acetyloxypiperdine
180  (PEPAP), its optical isomers, salts and salts of isomers;
181  (11) 3-Methylfentanyl (N-(3-methyl-1-(2-
182   phenylethyl))-4-piperidyl)-N-phenylpropanamide), its
183  optical and geometric isomers, salts and salts of isomers.

§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
4   another schedule, any of the following substances whether
5   produced directly or indirectly by extraction from
6   substances of vegetable origin, or independently by means
7   of chemical synthesis, or by a combination of extraction and
8   chemical synthesis:
9   (1) Opium and opiate, and any salt, compound,
10   derivative or preparation of opium or opiate excluding
11   nalorphine, nalmefene, naloxone and naltrexone and their
12   respective 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) Ethorphine 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
30   preparation thereof which is chemically equivalent or
31   identical with any of the substances referred to in
32   subdivision (1) of this subsection, except that these
33   substances shall not include the isoquinoline alkaloids of
34   opium;
35   (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) Dextrophan - excepted;
(5) Dihydrocodeine;
(6) Diphenoxylate;
(7) Fentanyl;
(8) Isomethadone;
(9) Levoproxyphene - 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-phenylpiperidine-ethyl-4-phenyl piperidine-4-carboxylate;
(19) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(20) Phenazocine;
(21) Piminodine;
(22) Racemethorphan;
(23) Racemorphan;
(24) Bulk Dextropropoxyphene (nondosage forms);
(25) Sufentanil.

(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;

(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. Amobarbital;
2. Secobarbital;
3. Pentobarbital;
4. Phencyclidine.

(f) Hallucinogenic substances:

1. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product. (Some other names for dronabinol: (6aRtrans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo 9b,d) pyran-1-od or (-) delta-9-(trans)-tetrahydrocanna-bonil).

(g) 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:
   (A) Phenylacetone;
Some trade or other names: phenyl-2-propanone; P2P; benzylmethyl ketone; methyl benzyl ketone.

(2) Immediate precursors to phencyclidine (PCP):
(A) 1-phenylcyclohexylamine;
(B) 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) Alprazolam;
(2) Barbital;
(3) Chloral betaine;
(4) Chloral hydrate;
(5) Ethchlorvynol;
(6) Ethinamate;
(7) Halazepam;
(8) Methohexital;
(9) Meprobamate;
(10) Methyphenobarbital, as methobarbital;
(11) Paraldehyde;
(12) Petrichloral;
(13) Phenobarbital;
(14) Lorazepam;
(15) Mebutamate;
(16) Clorazepate;
(17) Chlordiazepoxide;
(18) Clonazepam;
(19) Diazepam;
(20) Flurazepam;
(21) Oxazepam;
(22) Prazepam;
(23) Pentazocine;
(24) Temazepam.
(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) Mazindol;
(3) Phentermine;
(4) Pemoline (including organometallic complexes and chelates thereof);
(5) Pipradrol;
(6) 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-diphenylethane).

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

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrates 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.

Bruce O. Williams
Chairman Senate Committee

Floyd Fields
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joe C. Steele
Clerk of the Senate

Donald F. Payne
Clerk of the House of Delegates

David Starkey
President of the Senate

Joseph P. Allwright
Speaker House of Delegates

The within ......................... this the 25th day of March ......................... 1986.

Governor