

70: 654

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 654

(By Senator Tom Kovick, Mr. President)



PASSED March 8, 1986

In Effect 90 days from Passage



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**Senate Bill No. 654**

(BY SENATOR TONKOVICH, MR. PRESIDENT)

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

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

- 11 (3) Alphacetylmethadol;
- 12 (4) Alphameprodine;
- 13 (5) Alphamethadol;
- 14 (6) Alpha-methylfentanyl;
- 15 (7) Benzethidine;
- 16 (8) Betacetylmethadol;
- 17 (9) Betameprodine;
- 18 (10) Betamethadol;
- 19 (11) Betaprodine;
- 20 (12) Clonitazene;
- 21 (13) Dextromoramide;
- 22 (14) Diampromide;
- 23 (15) Diethylthiambutene;
- 24 (16) Difenoxy;
- 25 (17) Dimenoxadol;
- 26 (18) Dimepheptanol;
- 27 (19) Dimethylthiambutene;
- 28 (20) Dioxaphetylbutyrate;
- 29 (21) Dipipanone;
- 30 (22) Ethylmethylthiambutene;
- 31 (23) Etonitazene;
- 32 (24) Etoxeridine;
- 33 (25) Fenethylamine;
- 34 (26) Furethidine;
- 35 (27) Hydroxypethidine;
- 36 (28) Ketobemidone;
- 37 (29) Levomoramide;
- 38 (30) Levophenacetylmorphan;
- 39 (31) Morpheridine;
- 40 (32) Noracetylmethadol;
- 41 (33) Norlevorphanol;
- 42 (34) Normethadone;
- 43 (35) Norpipanone;
- 44 (36) Phenadoxone;
- 45 (37) Phenampromide;
- 46 (38) Phenomorphan;
- 47 (39) Phenoperidine;
- 48 (40) Piritramide;
- 49 (41) Proheptazine;
- 50 (42) Properidine;
- 51 (43) Propiram;
- 52 (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) Hydromorphenol;
  - 72 (13) Methyldesorphine;
  - 73 (14) Methyldihydromorphine;
  - 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;

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

137 chemical structure and pharmacological activity such as  
138 the following:

139 Delta 1

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

142 Delta 6

143 Cis or trans tetrahydrocannabinol, and their optical  
144 isomers;

145 Delta 3, 4

146 Cis or trans tetrahydrocannabinil tetrahydrocannabinol,  
147 and their optical isomers;

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

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

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

158 (24) N-ethylamphetamine;

159 (25) Parahexyl.

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

165 (1) Mecloqualone.

166 (2) Methaqualone.

167 (f) Any material, compound, mixture or preparation  
168 which contains any quantity of the following substances:

169 (1) Acetyl-alphamethylfentanyl;

170 (2) Alpha-methylthiofentanyl;

171 (3) Benzylfentanyl;

172 (4) Beta-hydroxyfentanyl;

173 (5) Beta-hydroxy-3-methylfentanyl;

174 (6) 3-Methylthiofentanyl;

175 (7) Thenylfentanyl;

176 (8) Thiofentanyl;

177 (9) 1-Methyl-4-phenyl-4-propionoxypiperidine

178 (MPPP), its optical isomers, salts and salts of isomers;

- 179 (10) 1-(2-Phenylethyl)-4-phenyl-4-acetyloxypiperidine  
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) 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  
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;

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

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

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

52 (1) Alphaprodine;

53 (2) Anileridine;

54 (3) Bezitramide;

55 (4) Dextrorphan - excepted;

56 (5) Dihydrocodeine;

57 (6) Diphenoxylate;

58 (7) Fentanyl;

59 (8) Isomethadone;

60 (9) Levopropoxyphene - excepted;

61 (10) Levomethorphan;

62 (11) Levorphanol;

63 (12) Metazocine;

64 (13) Methadone;

65 (14) Methadone-Intermediate, 4-cyano-2-dime-  
66 thylamino-4, 4-diphenyl butane;

67 (15) Moramide-Intermediate, 2-methyl-  
68 3-morpholino-1, 1-diphenyl-propane-carboxylic acid;

69 (16) Pethidine; (meperidine);

70 (17) Pethidine-Intermediate-A, 4-cyano-1-methyl-  
71 4-phenylpiperidine;

72 (18) Pethidine-Intermediate-B, ethyl-4-phenyl-  
73 piperidine-ethyl-4-phenylpiperidine-4-carboxylate;

74 (19) Pethidine-Intermediate-C, 1-methyl-4-phenyl-  
75 piperidine-4-carboxylic acid;

76 (20) Phenazocine;

77 (21) Piminodine;



- 78 (22) Racemethorphan;  
79 (23) Racemorphan;  
80 (24) Bulk Dextropropoxyphene (nondosage forms);  
81 (25) Sufentanil.
- 82 (d) Unless specifically excepted or unless listed in  
83 another schedule, any material, compound, mixture or  
84 preparation which contains any quantity of the following  
85 substances having a stimulant effect on the central nervous  
86 system:
- 87 (1) Methamphetamine, including its salts, isomers and  
88 salts of isomers;  
89 (2) Amphetamine, its salts, optical isomers and salts of  
90 its optical isomers;  
91 (3) Phenmetrazine and its salts;  
92 (4) Methylphenidate and its salts.
- 93 (e) Unless specifically excepted or unless listed in  
94 another schedule, any material, compound, mixture or  
95 preparation which contains any quantity of the following  
96 substances having a depressant effect on the central  
97 nervous system, including its salts, isomers and salts of  
98 isomers whenever the existence of such salts, isomers and  
99 salts of isomers is possible within the specific chemical  
100 designation:
- 101 (1) Amobarbital;  
102 (2) Secobarbital;  
103 (3) Pentobarbital;  
104 (4) Phencyclidine.
- 105 (f) Hallucinogenic substances:
- 106 (1) Dronabinol (synthetic) in sesame oil and  
107 encapsulated in a soft gelatin capsule in a United States  
108 food and drug administration approved drug product.  
109 (Some other names for dronabinol: (6aRtrans)-6a, 7, 8,  
110 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo  
111 9b,d) pyran-1-od or (-) delta-9-(trans)-  
112 tetrahydrocanna-bonil).
- 113 (g) Immediate precursors. Unless specifically excepted  
114 or unless listed in another schedule, any material,  
115 compound, mixture, or preparation which contains any  
116 quantity of the following substances:
- 117 (1) Immediate precursor to amphetamine and  
118 methamphetamine:  
119 (A) Phenylacetone;

- 120 Some trade or other names: phenyl-2-propanone; P2P;  
121 benzylmethyl ketone; methyl benzyl ketone.  
122 (2) Immediate precursors to phencyclidine (PCP):  
123 (A) 1-phenylcyclohexylamine;  
124 (B) 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  
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 isomers  
7 whenever the existence of such salts, isomers and salts of  
8 isomers is possible within the specific chemical  
9 designation:  
10 (1) Alprazolam;  
11 (2) Barbitol;  
12 (3) Chloral betaine;  
13 (4) Chloral hydrate;  
14 (5) Ethchlorvynol;  
15 (6) Ethinamate;  
16 (7) Halazepam;  
17 (8) Methohexital;  
18 (9) Meprobamate;  
19 (10) Methlyphenobarbital, as methobarbital;  
20 (11) Paraldehyde;  
21 (12) Petrichloral;  
22 (13) Phenobarbital;  
23 (14) Lorazepam;  
24 (15) Mebutamate;  
25 (16) Clorazepate;  
26 (17) Chlordiazepoxide;  
27 (18) Clonazepam;  
28 (19) Diazepam;  
29 (20) Flurazepam;  
30 (21) Oxazepam;  
31 (22) Prazepam;  
32 (23) Pentazocine;  
33 (24) Temazepam.  
34 (c) Any material, compound, mixture or preparation  
35 which contains any quantity of the following substance,

36 including its salts, isomers (whether optical, position or  
37 geometric) and salts of such isomers whenever the existence  
38 of such salts, isomers and salts of isomers is possible:  
39 Fenfluramine.

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

- 48 (1) Diethylpropion;
- 49 (2) Mazindol;
- 50 (3) Phentermine;
- 51 (4) Pemoline (including organometallic complexes and  
52 chelates thereof);
- 53 (5) Pipradrol;
- 54 (6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

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

- 59 (1) Dextropropoxyphene (alpha - (+) - 4 -  
60 dimethylamino-1, 2 - diphenyl - 3 - methyl - 2 -  
61 propionoxybutane).

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

64 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other  
65 organic nitrites are controlled substances and no product  
66 containing these compounds as a significant component  
67 shall be possessed, bought or sold other than pursuant to a  
68 bona fide prescription, or for industrial or manufacturing  
69 purposes.

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

*Bruce O. Williams*  
.....  
Chairman Senate Committee

*Floyd Fuller*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Ed C. Miller*  
.....  
Clerk of the Senate

*Donald T. Hoyle*  
.....  
Clerk of the House of Delegates

*Sam Tomlinson*  
.....  
President of the Senate

*Joseph Platt*  
.....  
Speaker House of Delegates

The within *approved* ..... this the *25<sup>th</sup>*  
day of *March* ..... 1986.

*Hubert H. Parson*  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/21/86

Time 4:33 p.m.

RECORDED  
1908 MAR 29 PM 4: 27

DEPARTMENT OF STATE

FILE IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/26/86