AN ACT to amend and reenact sections two hundred four 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 controlled substances; standards and schedules; and additional substances added to schedules I and IV.

Be it enacted by the Legislature of West Virginia:

That sections two hundred four 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.

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

(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) Alfentanil;
(3) Allylprodine;
(4) Alphacetylmethadol;
(5) Alphameprodine;
(6) Alphamethadol;
(7) Alpha-methylthiofentanyl;
(8) Alpha-methylfentanyl;
(9) Benzethidine;
(10) Benzylfentanyl;
(11) Betacetylmethadol;
(12) Beta-hydroxyfentanyl;
(13) Beta-hydroxy-3-methylfentanyl;
(14) Betameprodine;
(15) Betamethadol;
(16) Betaprodine;
(17) Clonitazene;
(18) Dextromoramide;
(19) Diampromide;
(20) Diethylthiambutene;
(21) Difenoxin;
(22) Dimenoxadol;
(23) Dimepheaphtanol;
(24) Dimethylthiambutene;
(25) Dioxaphethylbutyrate;
(26) Dipipanone;
(27) Ethylmethylthiambutene;
(28) Etonitazene;
(29) Etoxeridine;
(30) Fenethylline;
39  (31) Furethidine;
40  (32) Hydroxypethidine;
41  (33) Ketobemidone;
42  (34) Levomoramide;
43  (35) Levophenacylmorphan;
44  (36) Morpheridine;
45  (37) Noracymethadol;
46  (38) Norlevorphanol;
47  (39) Normethadone;
48  (40) Norpipanone;
49  (41) Para-fluorofentanyl;
50  (42) Phenadoxone;
51  (43) Phenampromide;
52  (44) Phenomorphan;
53  (45) Phenoperidine;
54  (46) Piritramide;
55  (47) Proheptazine;
56  (48) Properidine;
57  (49) Propiram;
58  (50) Racemoramide;
59  (51) Thiofentanyl;
60  (52) 3-methyl fentanyl;
61  (53) Tilidine;
62  (54) Trimeperidine.

(c) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, 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:

68  (1) Acetorphine;
69 (2) Acetyldihydrocodeine;
70 (3) Benzylmorphine;
71 (4) Codeine methylbromide;
72 (5) Codeine-N-Oxide;
73 (6) Cyprenorphine;
74 (7) Desomorphine;
75 (8) Dihydromorphine;
76 (9) Drotebanol;
77 (10) Etorphine (except HCl Salt);
78 (11) Heroin;
79 (12) Hydromorphinol;
80 (13) Methyldesorphine;
81 (14) Methyldihydromorphine;
82 (15) Morphine methylbromide;
83 (16) Morphine methylsulfonate;
84 (17) Morphine-N-Oxide;
85 (18) Myrophine;
86 (19) Nicocodeine;
87 (20) Nicomorphine;
88 (21) Normorphine;
89 (22) Phoclodine;
90 (23) Thebacon.
91 (d) Unless specifically excepted or unless listed in
92 another schedule, any material, compound, mixture or
93 preparation, which contains any quantity of the follow-
94 ing hallucinogenic substances, or which contains any of
95 the salts, isomers and salts of isomers of any thereof
96 whenever the existence of such salts, isomers and salts
97 of isomers is possible within the specific chemical
designation and for the purposes of this subsection only,
98 “isomer” includes the optical position and geometric
100 isomers:

101 (1) 2,5-dimethoxyamphetamine; also known by these trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;

102 (2) 3,4-methylenedioxyamphetamine; 3,4-methylene dioxy methamphetamine;

103 (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-2, 5-dimethoxy-a-methylphenethylamine, or 4-bromo-2,5-DMA;

104 (4) 5-methoxy-3, 4-methylenedioxyamphetamine;

105 (5) 4-methoxyamphetamine; also known by these trade or other names: 4-methoxy-amethylphenethylamine; paramethoxyamphetamine; PMA;

106 (6) 3,4,5-trimethoxyamphetamine;

107 (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;

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

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

110 (10) 4-methyl-2,5-dimethoxyamphetamine; known also by these trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylmine; “DOM”; “STP”;

111 (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;

112 (12) Lysergic acid diethylamide;

113 (13) Marihuana;

114 (14) Mescaline;

115 (15) Peyote; meaning all parts of the plant presently classified botanically as Lophophora Williamsii Lematre, whether growing or not; the seeds thereof; any
(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 tetrahydrocannabinil 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) Thienyl analog of phencyclidine; TPCP;
(22) Ethylamine analog of phencyclidine... Some trade or other names: N-ethyl-l-phenylcyclohexylamine, (l-phenylcyclohexyl) ethylamine, N-(l-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
(23) Pyrrolidine analog of phencyclidine... Some trade or other names: l-(l-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
(24) N-ethylamphetamine;
(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-alpha-methylfentanyl;
(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;
(10) 1-(2-Phenylethyl)-4-phenyl-4-acetyloxyxypiperidine (PEPAP), its optical isomers, salts and salts of isomers;
(11) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and geometric isomers, salts and salts of isomers.

ARTICLE 2. STANDARDS AND SCHEDULES.

§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. Bromazepam;
4. Camazepam;
5. Chloral betaine;
6. Chloral hydrate;
7. Chlordiazepoxide;
8. Clobazam;
9. Clonazepam;
10. Clorazepate;
11. Clotiazepam;
12. Cloxazolam;
13. Delorazepam;
14. Diazepam;
15. Estazolam;
16. Ethchlorvynol;
17. Ethinamate;
18. Ethylloflazepate;
19. Fludiazepam;
20. Flunitrazepam;
21. Flurazepam;
22. Halazepam;
23. Haloxazolam;
24. Ketazolam;
25. Loprazolam;
26. Lorazepam;
(27) Lorormetazepam;
(28) Mebutamate;
(29) Medazepam;
(30) Meprobamate;
(31) Methohexital;
(32) Methylphenobarbital (mephobarbital);
(33) Midazolam;
(34) Nimetazepam;
(35) Nitrazepam;
(36) Nordiazepam;
(37) Oxazepam;
(38) Oxazolam;
(39) Paraldehyde;
(40) Petrichloral;
(41) Phenobarbital;
(42) Pinazepam;
(43) Prazepam;
(44) Quazepam;
(45) Temazepam;
(46) Tetrazepam;
(47) Triazolam;
(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).
(2) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
(3) Pentazocine.

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitriles 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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within........................................... this the ______________ day of ______________, 1987.

Governor
PRESENTED TO THE
GOVERNOR
Date 8/19/57
Time 9:06 a.m.