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WEST VIRGINIA LEGISLATURE
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REGULAR SESSION, 1987

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ENROLLED

HOUSE BILL No. 2363

(By ~~Delegate~~ Mr. Speaker, Mr. Chambers)

— ● —

Passed February 11, 1987

In Effect Ninety Days From Passage

ENROLLED
H. B. 2363

(By MR. SPEAKER, MR. CHAMBERS)

[Passed February 11, 1987; in effect ninety days from passage.]

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.

- 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
- 5 its isomers, esters, ethers, salts and salts of isomers,
- 6 esters and ethers whenever the existence of such
- 7 isomers, esters, ethers and salts is possible within the
- 8 specific chemical designation:
 - 9 (1) Acetylmethadol;
 - 10 (2) Alfentanil;

- 11 (3) Allylprodine;
- 12 (4) Alphacetylmethadol;
- 13 (5) Alphameprodine;
- 14 (6) Alphamethadol;
- 15 (7) Alpha-methylthiofentanyl;
- 16 (8) Alpha-methylfentanyl;
- 17 (9) Benzethidine;
- 18 (10) Benzylfentanyl;
- 19 (11) Betacetylmethadol;
- 20 (12) Beta-hydroxyfentanyl;
- 21 (13) Beta-hydroxy-3-methylfentanyl;
- 22 (14) Betameprodine;
- 23 (15) Betamethadol;
- 24 (16) Betaprodine;
- 25 (17) Clonitazene;
- 26 (18) Dextromoramide;
- 27 (19) Diampromide;
- 28 (20) Diethylthiambutene;
- 29 (21) Difenoxin;
- 30 (22) Dimenoxadol;
- 31 (23) Dimepheptanol;
- 32 (24) Dimethylthiambutene;
- 33 (25) Dioxaphetylbutyrate;
- 34 (26) Dipipanone;
- 35 (27) Ethylmethylthiambutene;
- 36 (28) Etonitazene;
- 37 (29) Etoxadine;
- 38 (30) Fenethylline;

- 39 (31) Furethidine;
 - 40 (32) Hydroxypethidine;
 - 41 (33) Ketobemidone;
 - 42 (34) Levomoramide;
 - 43 (35) Levophenacymorphan;
 - 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.
- 63 (c) Unless specifically excepted or unless listed in
64 another schedule, any of the following opium deriva-
65 tives, its salts, isomers and salts of isomers whenever the
66 existence of such salts, isomers and salts of isomers is
67 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
98 designation and for the purposes of this subsection only,
99 "isomer" includes the optical position and geometric

100 isomers:

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

104 (2) 3,4-methylenedioxy amphetamine; 3,4-methylene
105 dioxy methamphetamine;

106 (3) 4-bromo-2, 5-dimethoxyamphetamine or 4-bromo-
107 2,5-dimethoxy-a-methylphenethylamine, or 4-bromo-2,5-
108 DMA;

109 (4) 5-methoxy-3, 4-methylenedioxy amphetamine;

110 (5) 4-methoxyamphetamine; also known by these
111 trade or other names: 4-methoxy-amethylphenethylam-
112 ine; paramethoxyamphetamine; PMA;

113 (6) 3,4,5-trimethoxy amphetamine;

114 (7) Bufotenine; known also by these trade and other
115 names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
116 dimethylamino-ethyl)-5 indolol; N-N-dimethylserotonin;
117 5-hydroxy-N-dimethyltryptamine; mappine;

118 (8) Diethyltryptamine; known also by these trade and
119 other names: N-N-Diethyltryptamine; "DET";

120 (9) Dimethyltryptamine; known also by the name
121 "DMT";

122 (10) 4-methyl-2,5-dimethoxy amphetamine; known
123 also by these trade and other names: 4-methyl-2,5-
124 dimethoxy-a-methylphenethylmine; "DOM"; "STP";

125 (11) Ibogaine; known also by these trade and other
126 names: 7-Ethyl-6, 6a, 7, 8, 9, 10, 12, 13-octahydro-2-
127 methoxy-6,9-methano-5H-pyrido (1', 2': 1, 2 azepino
128 4,5b) indole; tabernanthe iboga;

129 (12) Lysergic acid diethylamide;

130 (13) Marihuana;

131 (14) Mescaline;

132 (15) Peyote; meaning all parts of the plant presently
133 classified botanically as *Lophophora Williamsii* Lema-
134 tre, whether growing or not; the seeds thereof; any

135 extract from any part of such plant; and every com-
136 pound, manufacture, salt, derivative, mixture or
137 preparation of such plant, its seeds or extracts;

138 (16) N-ethyl-3-piperidyl benzilate;

139 (17) N-methyl-3-piperidyl benzilate;

140 (18) Psilocybin;

141 (19) Psilocyn;

142 (20) Tetrahydrocannabinols; including synthetic
143 equivalents of the substances contained in the plant or
144 in the resinous extractives of Cannabis or synthetic
145 substances, derivatives and their isomers with similar
146 chemical structure and pharmacological activity such as
147 the following:

148 Delta 1

149 Cis or trans tetrahydrocannabinol, and their optical
150 isomers;

151 Delta 6

152 Cis or trans tetrahydrocannabinol, and their optical
153 isomers;

154 Delta 3, 4

155 Cis or trans tetrahydrocannabinil tetrahydrocanna-
156 binol, and their optical isomers;

157 (21) Thiophene analog of phencyclidine; also known
158 by these trade or other names: (A) (1-(2-thienyl) cycl-
159 ohexyl) piperidine; (B) Thienyl analog of phencyclidine;
160 TCP;P;

161 (22) Ethylamine analog of phencyclidine... Some
162 trade or other names: N-ethyl-1-phenylcyclohexylamine,
163 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclo-
164 hexyl) ethylamine, cyclohexamine, PCE;

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

168 (24) N-ethylamphetamine;

169 (25) Parahexyl.

170 (e) Unless specifically excepted or unless listed in
171 another schedule, any of the following depressants, its
172 salts, isomers and salts of isomers whenever the
173 existence of such salts, isomers and salts of isomers is
174 possible within the specific chemical designation:

175 (1) Mecloqualone.

176 (2) Methaqualone.

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

179 (1) Acetyl-alphamethylfentanyl;

180 (2) Alpha-methylthiofentanyl;

181 (3) Benzylfentanyl;

182 (4) Beta-hydroxyfentanyl;

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

184 (6) 3-Methylthiofentanyl;

185 (7) Thenylfentanyl;

186 (8) Thiofentanyl;

187 (9) 1-Methyl-4-phenyl-4-propionoxypiperidine
188 (MPPP), its optical isomers, salts and salts of isomers;

189 (10) 1-(2-Phenylethyl)-4-phenyl-4-acetyloxypiperidine
190 (PEPAP), its optical isomers, salts and salts of isomers;

191 (11) 3-Methylfentanyl (N-(3-methyl-1-(2-phenyle-
192 thyl) -4-piperidyl)-N-phenylpropanamide), its optical
193 and geometric isomers, salts and salts of isomers.

ARTICLE 2. STANDARDS AND SCHEDULES.

§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 follow-
6 ing substances, including its salts, isomers and salts of

7 isomers whenever the existence of such salts, isomers
8 and salts of isomers is possible within the specific
9 chemical designation:

- 10 (1) Alprazolam;
- 11 (2) Barbital;
- 12 (3) Bromazepam;
- 13 (4) Camazepam;
- 14 (5) Chloral betaine;
- 15 (6) Chloral hydrate;
- 16 (7) Chlordiazepoxide;
- 17 (8) Clobazam;
- 18 (9) Clonazepam;
- 19 (10) Clorazepate;
- 20 (11) Clotiazepam;
- 21 (12) Cloxazolam;
- 22 (13) Delorazepam;
- 23 (14) Diazepam;
- 24 (15) Estazolam;
- 25 (16) Ethchlorvynol;
- 26 (17) Ethinamate;
- 27 (18) Ethylloflazepate;
- 28 (19) Fludiazepam;
- 29 (20) Flunitrazepam;
- 30 (21) Flurazepam;
- 31 (22) Halazepam;
- 32 (23) Haloxazolam;
- 33 (24) Ketazolam;
- 34 (25) Loprazolam;
- 35 (26) Lorazepam;

- 36 (27) Lormetazepam;
37 (28) Mebutamate;
38 (29) Medazepam;
39 (30) Meprobamate;
40 (31) Methohexital;
41 (32) Methylphenobarbital (mephobarbital);
42 (33) Midazolam;
43 (34) Nimetazepam;
44 (35) Nitrazepam;
45 (36) Nordiazepam;
46 (37) Oxazepam;
47 (38) Oxazolam;
48 (39) Paraldehyde;
49 (40) Petrichloral;
50 (41) Phenobarbital;
51 (42) Pinazepam;
52 (43) Prazepam;
53 (44) Quazepam;
54 (45) Temazepam;
55 (46) Tetrazepam;
56 (47) Triazolam;
- 57 (c) Any material, compound, mixture or preparation
58 which contains any quantity of the following substance,
59 including its salts, isomers (whether optical, position or
60 geometric) and salts of such isomers whenever the
61 existence of such salts, isomers and salts of isomers is
62 possible: Fenfluramine.
- 63 (d) Unless specifically excepted or unless listed in
64 another schedule, any material, compound, mixture or
65 preparation which contains any quantity of the follow-
66 ing substances having a stimulant effect on the central

67 nervous system, including its salts, isomers (whether
68 optical, position or geometric) and salts of such isomers
69 whenever the existence of such salts, isomers and salts
70 of isomers is possible within the specific chemical
71 designation:

72 (1) Diethylpropion;

73 (2) Mazindol;

74 (3) Phentermine;

75 (4) Pemoline (including organometallic complexes
76 and chelates thereof);

77 (5) Pipradrol;

78 (6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

79 (e) Other substances. Unless specifically excepted or
80 unless listed in another schedule, any material, com-
81 pound, mixture or preparation which contains any
82 quantity of the following substances, including its salts:

83 (1) Dextropropoxyphene (alpha - (#) - 4 -dimethyla-
84 mino-1, 2 -diphenyl -3 -methyl -2 -propionoxybutane).

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

88 (3) Pentazocine.

89 Amyl nitrite, butyl nitrite, isobutyl nitrite and the
90 other organic nitrites are controlled substances and no
91 product containing these compounds as a significant
92 component shall be possessed, bought or sold other than
93 pursuant to a bona fide prescription, or for industrial
94 or manufacturing purposes.

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

Bennie O. Williams

Chairman Senate Committee

Bernard V. Keely

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jodd C. Hoch

Clerk of the Senate

Donald J. Hoop

Clerk of the House of Delegates

Sam Tomlinson

President of the Senate

[Signature]

Speaker of the House of Delegates

The within *approved* this the *20th*
day of *February*, 1987.

Arva Prange Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 2/19/57

Time 9:06 a.m.