

4002

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988

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ENROLLED

HOUSE BILL No. 4002

(By ~~MR.~~ Delegate Hatcher)

— ● —

Passed March 11, 1988

In Effect Open Passage

ENROLLED
H. B. 4002
(By DELEGATE HATCHER)

[Passed March 11, 1988; in effect from passage.]

AN ACT to amend and reenact sections two hundred four, two hundred six, two hundred eight and two hundred twelve, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the uniformed controlled substances act; standards and schedules; adding controlled substances to schedules one, two, three and five; deleting hydrocodone from schedule two; and deleting amyl nitrite, isobutyl nitrite and other organic nitrites from schedule five.

Be it enacted by the Legislature of West Virginia:

That sections two hundred four, two hundred six, two hundred eight and two hundred twelve, 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) Etoxeridine;
- 38 (30) Fenethylline;
- 39 (31) Furethidine;
- 40 (32) Hydroxypethidine;
- 41 (33) Ketobemidone;
- 42 (34) Levomoramide;
- 43 (35) Levophenacylmorphane;
- 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) Hydromorphenol;
- 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-methylphenethy-
103 lamine; 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-methyloxy-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 4,5b)
128 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 tetrahydrocannabinol
156 tetrahydrocannabinol, and their optical isomers;
- 157 (21) Thiophene analog of phencyclidine; also known
158 by these trade or other names: (A) (1-(2-thienyl)
159 cyclohexyl) piperidine; (B) Thienyl analog of phencycli-
160 dine; TPCP;
- 161 (22) Ethylamine analog of phencyclidine... Some trade
162 or other names: N-ethyl-1-phenylcyclohexylamine, (1-
163 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
164 ethylamine, cyclohexamine, PCE;
- 165 (23) Pyrrolidine analog of phencyclidine... Some trade

166 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine,
167 PCPy, PHP;

168 (24) N-ethylamphetamine;

169 (25) Parahexyl.

170 (26) 4-Methylaminorex.

171 (27) 3,4-Methylenedioxy-N-Ethylamphetamine.

172 (28) N-Hydroxy-3, 4-Methylenedioxyamphetamine.

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

178 (1) Mecloqualone;

179 (2) Methaqualone.

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

182 (1) Acetyl-alphamethylfentanyl;

183 (2) Alpha-methylthiofentanyl;

184 (3) Benzylfentanyl;

185 (4) Beta-hydroxyfentanyl;

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

187 (6) 3-Methylthiofentanyl;

188 (7) Thenylfentanyl;

189 (8) Thiofentanyl;

190 (9) 1-Methyl-4-phenyl-4-propionoxypiperidine
191 (MPPP), its optical isomers, salts and salts of isomers;

192 (10) 1-(2-Phenylethyl)-4-phenyl-4-acetyloxypiperidine
193 (PEPAP), its optical isomers, salts and salts of isomers;

194 (11) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-
195 4-piperidyl)-N-phenylpropanamide), its optical and
196 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
5 whether produced directly or indirectly by extraction
6 from substances of vegetable origin, or independently by
7 means of chemical synthesis, or by a combination of
8 extraction and 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
12 their 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) Hydromorphone;
- 23 (K) Metopon;
- 24 (L) Morphine;
- 25 (M) Oxycodone;
- 26 (N) Oxymorphone;
- 27 (O) Thebaine;

28 (2) Any salt, compound, isomer derivative or prepa-
29 ration thereof which is chemically equivalent or
30 identical with any of the substances referred to in
31 subdivision (1) of this subsection, except that these
32 substances shall not include the isoquinoline alkaloids of
33 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,
37 derivative or preparation thereof which is chemically
38 equivalent or identical with any of these substances,
39 except that the substances shall not include decocainized
40 coca leaves or extractions of coca leaves, which extrac-
41 tions do not contain cocaine or ecgonine;
- 42 (5) Concentrate of poppy straw (the crude extract of
43 poppy straw in either liquid, solid or powder form which
44 contains 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
47 isomers, esters, ethers, salts and salts of isomers, esters
48 and ethers whenever the existence of such isomers,
49 esters, ethers and salts is possible within the specific
50 chemical designation:
- 51 (1) Alphaprodine;
- 52 (2) Anileridine;
- 53 (3) Bezitramide;
- 54 (4) Dextrorphan-excepted;
- 55 (5) Dihydrocodeine;
- 56 (6) Diphenoxylate;
- 57 (7) Fentanyl;
- 58 (8) Isomethadone;
- 59 (9) Levopropoxyphene-excepted;
- 60 (10) Levomethorphan;
- 61 (11) Levorphanol;
- 62 (12) Metazocine;
- 63 (13) Methadone;
- 64 (14) Methadone-Intermediate, 4-cyano-2-dimethyla-
65 mino-4, 4-diphenyl butane;
- 66 (15) Moramide-Intermediate, 2-methyl-3-morpholino-

- 67 1, 1-diphenyl-propane-carboxylic acid;
- 68 (16) Pethidine; (meperidine);
- 69 (17) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
- 70 phenylpiperidine;
- 71 (18) Pethidine-Intermediate-B, ethyl-4-phenylpiperi-
- 72 dine-ethyl-4-phenylpiper-idin-4-carboxylate;
- 73 (19) Pethidine-Intermediate-C, 1-methyl-4-phenylpip-
- 74 eridine-4-carboxylic acid;
- 75 (20) Phenazocine;
- 76 (21) Piminodine;
- 77 (22) Racemethorphan;
- 78 (23) Racemorphan;
- 79 (24) Bulk Dextropropoxyphene (non dosage forms);
- 80 (25) Sufentanil.

81 (d) Unless specifically excepted or unless listed in
82 another schedule, any material, compound, mixture or
83 preparation which contains any quantity of the follow-
84 ing substances having a stimulant effect on the central
85 nervous system:

86 (1) Methamphetamine, including its salts, isomers
87 and salts of isomers;

88 (2) Amphetamine, its salts, optical isomers and salts
89 of its optical isomers;

90 (3) Phenmetrazine and its salts;

91 (4) Methylphenidate and its salts.

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

100 (1) Amobarbital;

- 101 (2) Secobarbital;
102 (3) Pentobarbital;
103 (4) Phencyclidine.
104 (f) Hallucinogenic substances:
105 (1) Dronabinol (synthetic) in sesame oil and encapsu-
106 lated in a soft gelatin capsule in a United States food
107 and drug administration approved drug product. (Some
108 other names for dronabinol: (6aRtrans)-6a, 7, 8, 10a-
109 tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo
110 9b,d) pyran-1-ol or (-) delta-9-(trans)-tetrahydrocanna-
111 bonil).
- 112 (2) Nabilone: THC-like antiemetic/cancer chemo-
113 therapy.
- 114 (g) Immediate precursors. Unless specifically ex-
115 cepted or unless listed in another schedule, any material,
116 compound, mixture, or preparation which contains any
117 quantity of the following substances:
- 118 (1) Immediate precursor to amphetamine and
119 methamphetamine:
- 120 (A) Phenylacetone;
121 Some trade or other names: phenyl-2-propanone;
122 P2P; benzylylmethyl ketone; methyl benzyl ketone.
- 123 (2) Immediate precursors to phencyclidine (PCP):
124 (A) 1-phenylcyclohexylamine;
125 (B) 1-piperidinocyclohexanecarbonitrile (PCC).

§60A-2-208. Schedule III.

- 1 (a) The controlled substances listed in this section are
2 included in Schedule III.
- 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 having a stimulant effect on the central
7 nervous system:
- 8 (1) Benzphetamine;

9 (2) Chlorphentermine;

10 (3) Clortermine;

11 (4) Mazindol;

12 (5) Phendimetrazine.

13 (c) Unless specifically excepted or unless listed in
14 another schedule, any material, compound, mixture or
15 preparation which contains any quantity of the follow-
16 ing substances having a depressant effect on the central
17 nervous system:

18 (1) Any substance which contains any quantity of a
19 derivative of barbituric acid or any salt of a derivative
20 of barbituric acid;

21 (2) Chlorhexadol;

22 (3) Glutethimide;

23 (4) Lysergic acid;

24 (5) Lysergic acid amide;

25 (6) Methypylon;

26 (7) Sulfondiethylmethane;

27 (8) Sulfonethylmethane;

28 (9) Sulfonmethane;

29 (10) Any compound, mixture or preparation
30 containing:

31 (i) Amobarbital;

32 (ii) Secobarbital;

33 (iii) Pentobarbital or any salt thereof and one or more
34 other active medicinal ingredients which are not listed
35 in any schedule;

36 (11) Any suppository dosage form containing:

37 (i) Amobarbital;

38 (ii) Secobarbital;

39 (iii) Pentobarbital.

40 (d) Nalorphine.

41 (e) Narcotic drugs. Unless specifically excepted or
42 unless listed in another schedule, any material, com-
43 pound, mixture or preparation containing limited
44 quantities of any of the following narcotic drugs or any
45 salts thereof:

46 (1) Not more than 1.8 grams of codeine per 100
47 milliliters and not more than 90 milligrams per dosage
48 unit, with an equal or greater quantity of an isoquin-
49 olone alkaloid of opium;

50 (2) Not more than 1.8 grams of codeine per 100
51 milliliters and not more than 90 milligrams per dosage
52 unit, with one or more active, nonnarcotic ingredients
53 in recognized therapeutic amounts;

54 (3) Not more than 300 milligrams of dihydrocodei-
55 none or hydrocodone per 100 milliliters and not more
56 than 15 milligrams per dosage unit, with a fourfold or
57 greater quantity of an isoquinoline alkaloid of opium;

58 (4) Not more than 300 milligrams of dihydrocodei-
59 none or hydrocodone per 100 milliliters and not more
60 than 15 milligrams per dosage unit, with one or more
61 active, nonnarcotic ingredients in recognized therapeu-
62 tic amount;

63 (5) Not more than 1.8 grams of dihydrocodeine per
64 100 milliliters and not more than 90 milligrams per
65 dosage unit, with one or more active, nonnarcotic
66 ingredients in recognized therapeutic amount;

67 (6) Not more than 300 milligrams of ethylmorphine
68 per 100 milliliters and not more than 15 milligrams per
69 dosage unit, with one or more active, nonnarcotic
70 ingredients in recognized therapeutic amounts;

71 (7) Not more than 500 milligrams of opium per 100
72 milliliters or per 100 grams and not more than 25
73 milligrams per dosage unit, with one or more active,
74 nonnarcotic ingredients in recognized therapeutic
75 amounts;

76 (8) Not more than 50 milligrams of morphine per 100
77 milliliters or per 100 grams and not more than 2.5

78 milligrams per dosage unit, with one or more active,
79 nonnarcotic ingredients in recognized therapeutic
80 amounts.

§60A-2-212. Schedule V.

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

3 (b) Narcotic drugs. Unless specifically excepted or
4 unless listed in another schedule, any material, com-
5 pound, mixture or preparation containing any of the
6 following narcotic drugs and their salts, as set forth
7 below:

8 (1) Buprenorphine.

9 (c) Narcotic drugs containing nonnarcotic active
10 medicinal ingredients. Any compound, mixture or
11 preparation containing any of the following limited
12 quantities of narcotic drugs or salts thereof, which shall
13 include one or more nonnarcotic active medicinal
14 ingredients in sufficient proportion to confer upon the
15 compound, mixture or preparation valuable medicinal
16 qualities other than those possessed by the narcotic drug
17 alone:

18 (1) Not more than 200 milligrams of codeine per 100
19 milliliters or per 100 grams and not more than 10
20 milligrams per dosage unit;

21 (2) Not more than 100 milligrams of dihydrocodeine
22 per 100 milliliters or per 100 grams and not more than
23 5 milligrams per dosage unit;

24 (3) Not more than 100 milligrams of ethylmorphine
25 per 100 milliliters or per 100 grams and not more than
26 5 milligrams per dosage unit;

27 (4) Not more than 2.5 milligrams of diphenoxylate
28 and not less than 25 micrograms of atropine sulfate per
29 dosage unit;

30 (5) Not more than 100 milligrams of opium per 100
31 milliliters or per 100 grams;

32 (6) Not more than 0.5 milligrams of difenoxin and not
33 less than 25 micrograms of atropine sulfate per dosage
34 unit.

1522
H. B. 4002
Enr. H. B. 4002

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

Bruce O. Williams
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect from passage.

Isaac C. Smith
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Don Torburn
President of the Senate

[Signature]
Speaker of the House of Delegates

The within *approved* this the *28th*
March
day of _____, 1988.

Arthur Shaffer Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 5/22/88

Time 10:40 a.m.

RECEIVED

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OFFICE OF THE
SECRETARY OF DEFENSE