WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1994

ENROLLED
Committee Substitute for
SENATE BILL NO. 64

(By Senator Wagner)

PASSED March 9, 1994
In Effect 90 days for Passage
AN ACT to amend and reenact sections two hundred eight and two hundred ten, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to updating the uniform controlled substances act.

Be it enacted by the Legislature of West Virginia:

That sections two hundred eight 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-2-208. Schedule III.

1. (a) Schedule III shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designat-ed, listed in this section.

5. (b) Stimulants. — 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 stimu-
lant 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) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures or preparations were listed on the twenty-fifth day of August, one thousand nine hundred seventy-one, as excepted compounds under §308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine;

(6) Hydrocodone.

(c) *Depressants.* — 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:

(1) Any compound, mixture or preparation containing:

(A) Amobarbital;

(B) Secobarbital;

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

(2) Any suppository dosage form containing:

(A) Amobarbital;

(B) Secobarbital;

(C) Pentobarbital; or any salt of any of these drugs
and approved by the food and drug administration for
marketing only as a suppository;

(3) Any substance which contains any quantity of a
derivative of barbituric acid or any salt thereof;

(4) Chlorhexadol;

(5) Glutethimide;

(6) Lysergic acid;

(7) Lysergic acid amide;

(8) Methyprylon;

(9) Sulfondiethylmethane;

(10) Sulfonethylmethane;

(11) Sulfonmethane;

(12) Tiletamine and zolazepam or any salt thereof;

Some trade or other names for a tiletamine-zolazepam
combination product: Telazol; some trade or other
names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-
cyclohexanone; some trade or other names for zolaze-
pam: 4-(2-flurophenyl)-6, 8-dihydro-1, 3, 8-trimethylpy-
razolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon;

(13) Human growth hormones or anabolic steroids.

(d) Nalorphine.

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

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

(2) Not more than 1.8 grams of codeine per 100
milliliters and not more than 90 milligrams per dosage
unit, with one or more active, nonnarcotic ingredients
in recognized therapeutic amounts;
(3) Not more than 300 milligrams of dihydrocodeine or hydrocodone per 100 milliliters and not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeine or hydrocodone per 100 milliliters and not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

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

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

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams and not more than 2.5 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

§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;
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;
(30) Meprobamate;
(31) Methohexital;
(32) Methylphenobarbital (mephobarbital);
(33) Medazolam;
(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;
(48) Zolpidem.

(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) Cathine ((+)-norpseudophedrine);
(2) Diethylpropion;
(3) Fencamfamin;
(4) Fenproporex;
(5) Mazindol;
(6) Mefenorex;
(7) Phentermine;
(8) Pemoline (including organometallic complexes
and chelates thereof);
(9) Pipradrol;
(10) 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 - dimethyla-
mino-1,2-diphenyl-3-methyl-2-propionoxybutane);
(2) Not more than 1 milligram of difenoxin and not
less than 25 micrograms of antropine sulfate per
dosage unit;
(3) Pentazocine.

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.

Chairman Senate Committee

Edward C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved the 16th day of March, 1994.

Governor