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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

HOUSE BILL No. 2168

(By Delegate Border)



Passed February 10, 1998

In Effect Ninety Days from Passage

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SECRETARY OF STATE

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2168
(BY DELEGATE BORDER)

[Passed February 10, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact sections two hundred four, two hundred six, two hundred eight, two hundred ten and two hundred twelve, article two, chapter sixty-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to schedules of controlled substances; adding certain drugs thereto.

Be it enacted by the Legislature of West Virginia:

That section two hundred four, two hundred six, two hundred eight, two hundred ten 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, all to read as follows:

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

- 1 (a) Schedule I shall consist of the drugs and other
- 2 substances, by whatever official name, common or usual
- 3 name, chemical name, or brand name designated, listed in
- 4 this section.

5 (b) *Opiates*. Unless specifically excepted or unless
6 listed in another schedule, any of the following opiates,
7 including their isomers, esters, ethers, salts and salts of
8 isomers, esters and ethers, whenever the existence of such
9 isomers, esters, ethers and salts is possible within the
10 specific chemical designation (for purposes of subdivision
11 (34) of this subsection only, the term isomer includes the
12 optical and geometric isomers):

13 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
14 phenethyl) -4-piperidiny]-N-phenylacetamide);

15 (2) Acetylmethadol;

16 (3) Allylprodine;

17 (4) Alphacetylmethadol (except levoalphacetyl-
18 methadol also known as levo-alpha-acetylmethadol,
19 levomethadyl acetate, or LAAM);

20 (5) Alphameprodine;

21 (6) Alphamethadol;

22 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-
23 phenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-
24 phenylethyl)-4-(N-propanilido) piperidine);

25 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
26 thienyl) ethyl-4-piperidiny]-N-phenylpropanamide);

27 (9) Benzethidine;

28 (10) Betacetylmethadol;

29 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
30 phenethyl) -4-piperidiny]-N-phenylpropanamide);

31 (12) Beta-hydroxy-3-methylfentanyl (other name: N-
32 [1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-
33 phenylpropanamide);

34 (13) Betameprodine;

35 (14) Betamethadol;

36 (15) Betaprodine;

- 37 (16) Clonitazene;
- 38 (17) Dextromoramide;
- 39 (18) Diampromide;
- 40 (19) Diethylthiambutene;
- 41 (20) Difenoxin;
- 42 (21) Dimenoxadol;
- 43 (22) Dimepheptanol;
- 44 (23) Dimethylthiambutene;
- 45 (24) Dioxaphetyl butyrate;
- 46 (25) Dipipanone;
- 47 (26) Ethylmethylthiambutene;
- 48 (27) Etonitazene;
- 49 (28) Etoxeridine;
- 50 (29) Furethidine;
- 51 (30) Hydroxypethidine;
- 52 (31) Ketobemidone;
- 53 (32) Levomoramide;
- 54 (33) Levophenacylmorphane;
- 55 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-
- 56 phenylethyl)-4-piperidyl]-N-phenylpropanamide);
- 57 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)
- 58 ethyl-4-piperidyl]-N-phenylpropanamide);
- 59 (36) Morpheridine;
- 60 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiper-
- 61 idine);
- 62 (38) Noracymethadol;
- 63 (39) Norlevorphanol;
- 64 (40) Normethadone;

- 65 (41) Norpipanone;
- 66 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-
67 (2-phenethyl)-4-piperidinyl] propanamide);
- 68 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-
69 acetoxypiperidine);
- 70 (44) Phenadoxone;
- 71 (45) Phenampromide;
- 72 (46) Phenomorphan;
- 73 (47) Phenoperidine;
- 74 (48) Piritramide;
- 75 (49) Proheptazine;
- 76 (50) Properidine;
- 77 (51) Propiram;
- 78 (52) Racemoramide;
- 79 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
80 piperidinyl]-propanamide);
- 81 (54) Tilidine;
- 82 (55) Trimeperidine.
- 83 (c) *Opium derivatives*. — Unless specifically excepted
84 or unless listed in another schedule, any of the following
85 opium derivatives, its salts, isomers and salts of isomers
86 whenever the existence of such salts, isomers and salts of
87 isomers is possible within the specific chemical
88 designation:
- 89 (1) Acetorphine;
- 90 (2) Acetyldihydrocodeine;
- 91 (3) Benzylmorphine;
- 92 (4) Codeine methylbromide;
- 93 (5) Codeine-N-Oxide;

- 94 (6) Cyprenorphine;
- 95 (7) Desomorphine;
- 96 (8) Dihydromorphine;
- 97 (9) Drotebanol;
- 98 (10) Etorphine (except HCl Salt);
- 99 (11) Heroin;
- 100 (12) Hydromorphenol;
- 101 (13) Methyldesorphine;
- 102 (14) Methyldihydromorphine;
- 103 (15) Morphine methylbromide;
- 104 (16) Morphine methylsulfonate;
- 105 (17) Morphine-N-Oxide;
- 106 (18) Myrophine;
- 107 (19) Nicocodeine;
- 108 (20) Nicomorphine;
- 109 (21) Normorphine;
- 110 (22) Pholcodine;
- 111 (23) Thebacon.

112 (d) *Hallucinogenic substances*. — Unless specifically
 113 excepted or unless listed in another schedule, any material,
 114 compound, mixture or preparation, which contains any
 115 quantity of the following hallucinogenic substances, or
 116 which contains any of its salts, isomers and salts of
 117 isomers, whenever the existence of such salts, isomers, and
 118 salts of isomers is possible within the specific chemical
 119 designation (for purposes of this subsection only, the term
 120 "isomer" includes the optical, position and geometric
 121 isomers):

- 122 (1) Alpha-ethyltryptamine; some trade or other
 123 names: etryptamine; Monase; alpha-ethyl-1H-indole-3-

124 ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and
125 AET;

126 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some
127 trade or other names: 4-bromo-2, 5-dimethoxy-alpha-
128 methylphenethylamine; 4-bromo-2,5-DMA;

129 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some
130 trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-
131 1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;

132 (4) 2,5-dimethoxyamphetamine; some trade or other
133 names: 2,5-dimethoxy-alpha-methylphenethylamine;
134 2,5-DMA;

135 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade
136 or other names: DOET;

137 (6) 4-methoxyamphetamine; some trade or other
138 names: 4-methoxy-alpha-methylphenethylamine; para-
139 methoxyamphetamine; PMA;

140 (7) 5-methoxy-3, 4-methylenedioxy- amphetamine;

141 (8) 4-methyl-2,5-dimethoxy-amphetamine; some
142 trade and other names: 4-methyl-2,5-dimethoxy-alpha-
143 methylphenethylamine; "DOM"; and "STP";

144 (9) 3,4-methylenedioxy amphetamine;

145 (10) 3,4-methylenedioxymethamphetamine (MDMA);

146 (11) 3,4-methylenedioxy-N-ethylamphetamine (also
147 known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)
148 phenethylamine, N-ethyl MDA, MDE, MDEA);

149 (12) N-hydroxy-3,4-methylenedioxyamphetamine
150 (also known as N-hydroxy-alpha-methyl-3,4
151 (methylenedioxy) phenethylamine, and N-hydroxy
152 MDA);

153 (13) 3,4,5-trimethoxy amphetamine;

154 (14) Bufotenine; some trade and other names:
155 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-
156 dimethylaminoethyl) -5-indolol; N, N-dimethylsero-tonin;
157 5-hydroxy-N,N-dimethyltryptamine; mappine;

158 (15) Diethyltryptamine; some trade and other
159 names: N, N-Diethyltryptamine; DET;

160 (16) Dimethyltryptamine; some trade or other names:
161 DMT;

162 (17) Ibogaine; some trade and other names: 7-
163 Ethyl-6, 6 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-
164 6, 9-methano-5H-pyrido [1', 2': 1, 2] azepino [5,4-b]
165 indole; Tabernanthe iboga;

166 (18) Lysergic acid diethylamide;

167 (19) Marihuana;

168 (20) Mescaline;

169 (21) Parahexyl-7374; some trade or other names:
170 3-Hexyl -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-
171 trimethyl-6H-dibenzo [b,d] pyran; Synhexyl;

172 (22) Peyote; meaning all parts of the plant presently
173 classified botanically as *Lophophora williamsii* Lemaire,
174 whether growing or not, the seeds thereof, any extract
175 from any part of such plant, and every compound,
176 manufacture, salts, derivative, mixture or preparation of
177 such plant, its seeds or extracts;

178 (23) N-ethyl-3-piperidyl benzilate;

179 (24) N-methyl-3-piperidyl benzilate;

180 (25) Psilocybin;

181 (26) Psilocyn;

182 (27) Tetrahydrocannabinols; synthetic equiva-lents of
183 the substances contained in the plant, or in the resinous
184 extractives of *Cannabis*, sp. and/or synthetic substances,
185 derivatives and their isomers with similar chemical
186 structure and pharmacological activity such as the
187 following:

188 delta-1 Cis or trans tetrahydrocannabinol, and their
189 optical isomers;

190 delta-6 Cis or trans tetrahydrocannabinol, and their
191 optical isomers;

192 delta-3,4 Cis or trans tetrahydrocannabinol, and its
193 optical isomers;

194 (Since nomenclature of these substances is not
195 internationally standardized, compounds of these
196 structures, regardless of numerical designation of atomic
197 positions covered.)

198 (28) Ethylamine analog of phencyclidine; some trade
199 or other names: N-ethyl-1-phenylcyclohexylamine, (1-
200 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
201 ethylamine, cyclohexamine, PCE;

202 (29) Pyrrolidine analog of phencyclidine; some trade
203 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine,
204 PCPy, PHP;

205 (30) Thiophene analog of phencyclidine; some trade
206 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
207 2-thienylanalog of phencyclidine; TCP, TCP;

208 (31) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some
209 other names: TCPy.

210 (e) *Depressants*. Unless specifically excepted or
211 unless listed in another schedule, any material, compound,
212 mixture, or preparation which contains any quantity of the
213 following substances having a depressant effect on the
214 central nervous system, including its salts, isomers and salts
215 of isomers whenever the existence of such salts, isomers
216 and salts of isomers is possible within the specific chemical
217 designation:

218 (1) Mecloqualone;

219 (2) Methaqualone.

220 (f) *Stimulants*. Unless specifically excepted or unless
221 listed in another schedule, any material, compound,
222 mixture, or preparation which contains any quantity of the
223 following substances having a stimulant effect on the
224 central nervous system, including its salts, isomers, and
225 salts of isomers:

226 (1) Aminorex; some other names: aminoxaphen; 2-
227 amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-
228 oxazolamine;

229 (2) Cathinone; some trade or other names: 2-amino-1-
230 phenyl-1-propanone, alpha-aminopropiophenone, 2-
231 aminopropiophenone, and norephedrone;

232 (3) Fenethylamine;

233 (4) Methcathinone, its salts, optical isomers and salts of
234 optical isomers; some other names: (2-(methylamino)-
235 propiophenone; alpha-(methylamino)propiophenone; 2-
236 (methylamino)-1-phenylpropan-1-one; alpha-N-methyla-
237 minopropiophenone; monomethylpropion; ephedrone; N-
238 methylcathinone; methylcathinone; AL-464; AL-422;
239 AL-463 and UR1432;

240 (5) (+-) cis-4-methylaminorex; ((+)-)cis-4,5-dihydro-
241 4-methyl-5-phenyl-2-oxazolamine);

242 (6) N-ethylamphetamine;

243 (7) N,N-dimethylamphetamine; also known as N,N-
244 alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethyl
245 phenethylamine.

246 (g) *Temporary listing of substances subject to*
247 *emergency scheduling.* Any material, compound, mixture
248 or preparation which contains any quantity of the
249 following substances:

250 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
251 (benzylfentanyl), its optical isomers, salts, and salts of
252 isomers.

253 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-
254 phenylpropanamide (thienylfentanyl), its optical isomers,
255 salts and salts of isomers.

§60A-2-206. Schedule II.

1 (a) Schedule II shall consist of the drugs and other
2 substances, by whatever official name, common or usual
3 name, chemical name, or brand name designated, listed in
4 this section.

5 (b) *Substances, vegetable origin or chemical synthesis.*
6 Unless specifically excepted or unless listed in another
7 schedule, any of the following substances whether
8 produced directly or indirectly by extraction from
9 substances of vegetable origin, or independently by means
10 of chemical synthesis, or by a combination of extraction
11 and chemical synthesis:

12 (1) Opium and opiate, and any salt, compound,
13 derivative or preparation of opium or opiate excluding
14 apomorphine, thebaine-derived butorphanol, dextrorphan,
15 nalbuphine, nalmefene, naloxone and naltrexone, and
16 their respective salts, but including the following:

- 17 (A) Raw opium;
- 18 (B) Opium extracts;
- 19 (C) Opium fluid;
- 20 (D) Powdered opium;
- 21 (E) Granulated opium;
- 22 (F) Tincture of opium;
- 23 (G) Codeine;
- 24 (H) Ethylmorphine;
- 25 (I) Etorphine hydrochloride;
- 26 (J) Hydrocodone;
- 27 (K) Hydromorphone;
- 28 (L) Metopon;
- 29 (M) Morphine;
- 30 (N) Oxycodone;
- 31 (O) Oxymorphone;
- 32 (P) Thebaine;

33 (2) Any salt, compound, derivative or preparation
34 thereof which is chemically equivalent or identical with
35 any of the substances referred to in subdivision (1) of this

36 subsection, except that these substances shall not include
37 the isoquinoline alkaloids of opium;

38 (3) Opium poppy and poppy straw;

39 (4) Coca leaves and any salt, compound, derivative or
40 preparation of coca leaves (including cocaine and
41 ecgonine and their salts, isomers, derivatives and salts of
42 isomers and derivatives), and any salt, compound,
43 derivative, or preparation thereof which is chemically
44 equivalent or identical with any of these substances, except
45 that the substances shall not include decocainized coca
46 leaves or extractions of coca leaves, which extractions do
47 not contain cocaine or ecgonine;

48 (5) Concentrate of poppy straw (the crude extract of
49 poppy straw in either liquid, solid or powder form which
50 contains the phenanthrene alkaloids of the opium poppy).

51 (c) *Opiates*. — Unless specifically excepted or unless
52 in another schedule, any of the following opiates,
53 including its isomers, esters, ethers, salts and salts of
54 isomers, esters and ethers whenever the existence of such
55 isomers, esters, ethers and salts is possible within the
56 specific chemical designation, dextrorphan and
57 levopropoxyphene excepted:

58 (1) Alfentanil;

59 (2) Alphaprodine;

60 (3) Anileridine;

61 (4) Bezitramide;

62 (5) Bulk dextropropoxyphene (nondosage forms);

63 (6) Carfentanil;

64 (7) Dihydrocodeine;

65 (8) Diphenoxylate;

66 (9) Fentanyl;

67 (10) Isomethadone;

- 68 (11) Levo-alpha-acetylmethadol; some other names:
69 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
- 70 (12) Levomethorphan;
- 71 (13) Levorphanol;
- 72 (14) Metazocine;
- 73 (15) Methadone;
- 74 (16) Methadone-Intermediate,
75 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 76 (17) Moramide-Intermediate, 2-methyl-3-
77 morpholino-1, 1-diphenylpropane-carboxylic acid;
- 78 (18) Pethidine; (meperidine);
- 79 (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
80 phenylpiperidine;
- 81 (20) Pethidine-Intermediate-B, ethyl-4-
82 phenylpiperidine 4-carboxylate;
- 83 (21) Pethidine-Intermediate-C,
84 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 85 (22) Phenazocine;
- 86 (23) Piminodine;
- 87 (24) Racemethorphan;
- 88 (25) Racemorphan;
- 89 (26) Remifentanil;
- 90 (27) Sufentanil.
- 91 (d) *Stimulants*. — Unless specifically excepted or
92 unless listed in another schedule, any material, compound,
93 mixture or preparation which contains any quantity of the
94 following substances having a stimulant effect on the
95 central nervous system:
- 96 (1) Amphetamine, its salts, optical isomers and salts of
97 its optical isomers;

- 98 (2) Methamphetamine, its salts, isomers and salts of its
99 isomers;
- 100 (3) Methylphenidate;
- 101 (4) Phenmetrazine and its salts.
- 102 (e) *Depressants*. — Unless specifically excepted or
103 unless listed in another schedule, any material, compound,
104 mixture or preparation which contains any quantity of the
105 following substances having a depressant effect on the
106 central nervous system, including its salts, isomers and salts
107 of isomers whenever the existence of such salts, isomers
108 and salts of isomers is possible within the specific chemical
109 designation:
- 110 (1) Amobarbital;
- 111 (2) Glutethimide;
- 112 (3) Pentobarbital;
- 113 (4) Phencyclidine;
- 114 (5) Secobarbital.
- 115 (f) *Hallucinogenic substances*:
- 116 (1) Dronabinol (synthetic) in sesame oil and encap-
117 sulated in a soft gelatin capsule in a United States food
118 and drug administration approved drug product. (Some
119 other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a-
120 tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d]
121 pyran-1- ol or (-) -delta-9-(trans)-tetrahydrocannabinol);
- 122 (2) Nabilone: [Another name for nabilone: (+-)-trans-
123 3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-
124 hydroxy-6, 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].
- 125 (g) *Immediate precursors*. Unless specifically
126 excepted or unless listed in another schedule, any material,
127 compound, mixture, or preparation which contains any
128 quantity of the following substances:
- 129 (1) Immediate precursor to amphetamine and
130 methamphetamine:
- 131 (A) Phenylacetone;

- 132 Some trade or other names: phenyl-2-propanone;
133 P2P; benzyl methyl ketone; methyl benzyl ketone;
134 (2) Immediate precursors to phencyclidine (PCP):
135 (A) 1-phenylcyclohexylamine;
136 (B) 1-piperidinocyclohexanecarbonitrile (PCC).

§60A-2-208. Schedule III.

- 1 (a) Schedule III shall consist of the drugs and other
2 substances, by whatever official name, common or usual
3 name, chemical name or brand name designated, listed in
4 this section.
- 5 (b) *Stimulants*. — Unless specifically excepted or
6 unless listed in another schedule, any material, compound,
7 mixture or preparation which contains any quantity of the
8 following substances having a stimulant effect on the
9 central nervous system, including its salts, isomers
10 (whether optical, position or geometric), and salts of such
11 isomers whenever the existence of such salts, isomers and
12 salts of isomers is possible within the specific chemical
13 designation:
- 14 (1) Those compounds, mixtures or preparations in
15 dosage unit form containing any stimulant substances
16 listed in Schedule II which compounds, mixtures or
17 preparations were listed on the twenty-fifth day of August,
18 one thousand nine hundred seventy-one, as excepted
19 compounds under §1308.32, and any other drug of the
20 quantitative composition shown in that list for those drugs
21 or which is the same except that it contains a lesser
22 quantity of controlled substances;
- 23 (2) Benzphetamine;
24 (3) Chlorphentermine;
25 (4) Clortermine;
26 (5) Phendimetrazine;
27 (6) Hydrocodone.

28 (c) *Depressants*. — Unless specifically excepted or
 29 unless listed in another schedule, any material, compound,
 30 mixture or preparation which contains any quantity of the
 31 following substances having a depressant effect on the
 32 central nervous system:

33 (1) Any compound, mixture or preparation
 34 containing:

35 (A) Amobarbital;

36 (B) Secobarbital;

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

40 (2) Any suppository dosage form containing:

41 (A) Amobarbital;

42 (B) Secobarbital;

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

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

48 (4) Chlorhexadol;

49 (5) Lysergic acid;

50 (6) Lysergic acid amide;

51 (7) Methypylon;

52 (8) Sulfondiethylmethane;

53 (9) Sulfonethylmethane;

54 (10) Sulfonmethane;

55 (11) Tiletamine and zolazepam or any salt thereof;
 56 some trade or other names for a tiletamine-zolazepam
 57 combination product: Telazol; some trade or other names
 58 for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohex-
 59 anone; some trade or other names for zolazepam: 4-

60 (2-fluorophenyl)-6, 8-dihydro-1, 3, 8-trimethylpyrazolo-
61 [3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon;

62 (12) Human growth hormones or anabolic steroids.

63 (d) *Nalorphine*.

64 (e) *Narcotic drugs*. — Unless specifically excepted or
65 unless listed in another schedule, any material, compound,
66 mixture or preparation containing any of the following
67 narcotic drugs, or their salts calculated as the free
68 anhydrous base or alkaloid, in limited quantities as set
69 forth below:

70 (1) Not more than 1.8 grams of codeine per 100
71 milliliters and not more than 90 milligrams per dosage
72 unit, with an equal or greater quantity of an isoquinoline
73 alkaloid of opium;

74 (2) Not more than 1.8 grams of codeine per 100
75 milliliters or not more than 90 milligrams per dosage unit,
76 with one or more active, nonnarcotic ingredients in
77 recognized therapeutic amounts;

78 (3) Not more than 300 milligrams of
79 dihydrocodeinone (hydrocodone) per 100 milliliters or
80 not more than 15 milligrams per dosage unit, with a
81 fourfold or greater quantity of an isoquinoline alkaloid of
82 opium;

83 (4) Not more than 300 milligrams of
84 dihydrocodeinone (hydrocodone) per 100 milliliters or
85 not more than 15 milligrams per dosage unit, with one or
86 more active, nonnarcotic ingredients in recognized
87 therapeutic amounts;

88 (5) Not more than 1.8 grams of dihydrocodeine per
89 100 milliliters and not more than 90 milligrams per
90 dosage unit, with one or more active, nonnarcotic
91 ingredients in recognized therapeutic amounts;

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

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

101 (8) Not more than 50 milligrams of morphine per 100
 102 milliliters or per 100 grams with one or more active,
 103 nonnarcotic ingredients in recognized therapeutic
 104 amounts.

105 (f) *Anabolic steroids*. Unless specifically excepted or
 106 unless listed in another schedule, any material, compound,
 107 mixture, or preparation containing any quantity of the
 108 following substances, including its salts, isomers, and salts
 109 of isomers whenever the existence of such salts of isomers
 110 is possible within the specific chemical designation:

111 (1) Anabolic Steroids.

§60A-2-210. Schedule IV.

1 (a) Schedule IV shall consist of the drugs and other
 2 substances, by whatever official name, common or usual
 3 name, chemical name, or brand name designated, listed in
 4 this section.

5 (b) *Narcotic drugs*. Unless specifically excepted or
 6 unless listed in another schedule, any material, compound,
 7 mixture, or preparation containing any of the following
 8 narcotic drugs, or their salts calculated as the free
 9 anhydrous base or alkaloid, in limited quantities as set
 10 forth below:

11 (1) Not more than 1 milligram of difenoxin and not
 12 less than 25 micrograms of atropine sulfate per dosage
 13 unit;

14 (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino
 15 -1,2-diphenyl-3-methyl-2-propionoxybutane).

16 (c) *Depressants*. Unless specifically excepted or unless
 17 listed in another schedule, any material, compound,
 18 mixture or preparation which contains any quantity of the
 19 following substances, including its salts, isomers and salts
 20 of isomers whenever the existence of such salts, isomers

21 and salts of isomers is possible within the specific chemical
22 designation:

- 23 (1) Alprazolam;
- 24 (2) Barbital;
- 25 (3) Bromazepam;
- 26 (4) Camazepam;
- 27 (5) Carisoprodol;
- 28 (6) Chloral betaine;
- 29 (7) Chloral hydrate;
- 30 (8) Chlordiazepoxide;
- 31 (9) Clobazam;
- 32 (10) Clonazepam;
- 33 (11) Clorazepate;
- 34 (12) Clotiazepam;
- 35 (13) Cloxazolam;
- 36 (14) Delorazepam;
- 37 (15) Diazepam;
- 38 (16) Estazolam;
- 39 (17) Ethchlorvynol;
- 40 (18) Ethinamate;
- 41 (19) Ethyl loflazepate;
- 42 (20) Fludiazepam;
- 43 (21) Flunitrazepam;
- 44 (22) Flurazepam;
- 45 (23) Halazepam;
- 46 (24) Haloxazolam;
- 47 (25) Ketazolam;

- 48 (26) Loprazolam;
- 49 (27) Lorazepam;
- 50 (28) Lormetazepam;
- 51 (29) Mebutamate;
- 52 (30) Medazepam;
- 53 (31) Meprobamate;
- 54 (32) Methohexital;
- 55 (33) Methylphenobarbital (mephobarbital);
- 56 (34) Midazolam;
- 57 (35) Nimetazepam;
- 58 (36) Nitrazepam;
- 59 (37) Nordiazepam;
- 60 (38) Oxazepam;
- 61 (39) Oxazolam;
- 62 (40) Paraldehyde;
- 63 (41) Petrichloral;
- 64 (42) Phenobarbital;
- 65 (43) Pinazepam;
- 66 (44) Prazepam;
- 67 (45) Quazepam;
- 68 (46) Temazepam;
- 69 (47) Tetrazepam;
- 70 (48) Triazolam;
- 71 (49) Zolpidem.
- 72 (d) *Fenfluramine*. Any material, compound, mixture
- 73 or preparation which contains any quantity of the
- 74 following substance, including its salts, isomers (whether
- 75 optical, position or geometric) and salts of such isomers

76 whenever the existence of such salts, isomers and salts of
77 isomers is possible: Fenfluramine.

78 (e) *Stimulants*. Unless specifically excepted or unless
79 listed in another schedule, any material, compound,
80 mixture or preparation which contains any quantity of the
81 following substances having a stimulant effect on the
82 central nervous system, including its salts, isomers and salts
83 of isomers:

84 (1) Cathine ((+)- norpseudoephedrine);

85 (2) Diethylpropion;

86 (3) Fencamfamin;

87 (4) Fenproporex;

88 (5) Mazindol;

89 (6) Mefenorex;

90 (7) Pemoline (including organometallic complexes
91 and chelates thereof);

92 (8) Phentermine;

93 (9) Pipradrol;

94 (10) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

95 (f) *Other substances*. — Unless specifically excepted
96 or unless listed in another schedule, any material,
97 compound, mixture or preparation which contains any
98 quantity of the following substances, including its salts:

99 (1) Pentazocine;

100 (2) Butorphanol.

101 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
102 organic nitrites are controlled substances and no product
103 containing these compounds as a significant component
104 shall be possessed, bought or sold other than pursuant to a
105 bona fide prescription or for industrial or manufacturing
106 purposes.

§60A-2-212. Schedule V.

1 (a) Schedule V shall consist of the drugs and other
2 substances, by whatever official name, common or usual
3 name, chemical name, or brand name designated, listed in
4 this section.

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

9 (1) Buprenorphine.

10 (c) Narcotic drugs containing nonnarcotic active
11 medicinal ingredients. Any compound, mixture or
12 preparation containing any of the following narcotic
13 drugs or their salts calculated as the free anhydrous base
14 or alkaloid in limited quantities as set forth below, which
15 shall include one or more nonnarcotic active medicinal
16 ingredients in sufficient proportion to confer upon the
17 compound, mixture or preparation valuable medicinal
18 qualities other than those possessed by the narcotic drug
19 alone:

20 (1) Not more than 200 milligrams of codeine per 100
21 milliliters or per 100 grams;

22 (2) Not more than 100 milligrams of dihydrocodeine
23 per 100 milliliters or per 100 grams;

24 (3) Not more than 100 milligrams of ethylmorphine
25 per 100 milliliters or per 100 grams;

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

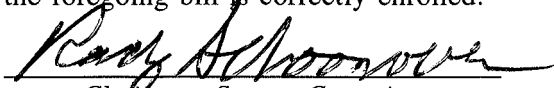
29 (5) Not more than 100 milligrams of opium per 100
30 milliliters or per 100 grams;

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

34 (d) *Stimulants*. Unless specifically exempted or
35 excluded or unless listed in another schedule, any material,
36 compound, mixture, or preparation which contains any
37 quantity of the following substances having a stimulant
38 effect on the central nervous system, including its salts,
39 isomers and salts of isomers:

40 (1) Pyrovalerone.

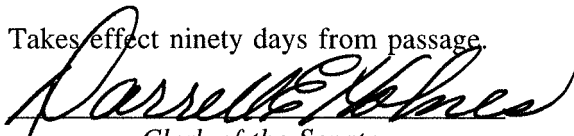
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

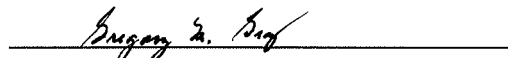

Chairman Senate Committee

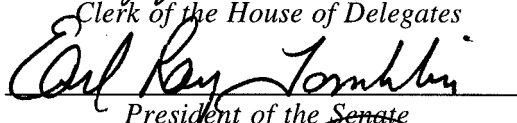

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

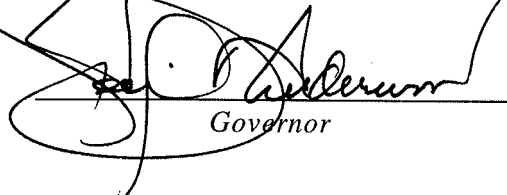

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 20th
day of February, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 2/18/98

Time 1:43 pm