WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2014

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 4208

(By Delegates Fleischauer, Barill, Marshall, Barker, Perdue, Kensey, Ellem, Pasdon, Hunt, Marcum and Border)

Passed March 8, 2014

In effect ninety days from passage.
AN ACT to amend and reenact §60A-1-101 of the Code of West Virginia, 1931, as amended; to amend and reenact §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code; and to amend and reenact §60A-3-308 of said code, all relating generally to controlled substances; modifying the lists of scheduled controlled drugs; limiting the refills of hydrocodone in schedule III; making tramadol hydrochloride a schedule IV controlled substance; adding certain synthetic drugs to the list of scheduled controlled substances; modifying and including definitions; and modifying manner in which buprenorphine and naloxone may be prescribed.

Be it enacted by the Legislature of West Virginia:

That §60A-1-101 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §60A-2-204, §60A-2-206, §60A-2-208, §60A-2-210 and §60A-2-212 of said code be amended
and reenacted; and that §60A-3-308 of said code be amended and
reenacted, all to read as follows:

ARTICLE 1. DEFINITIONS.


1 As used in this act:

2 (a) "Administer" means the direct application of a controlled
3 substance whether by injection, inhalation, ingestion or any other
4 means to the body of a patient or research subject by:
5
6 (1) A practitioner (or, in his or her presence, by his or her
7 authorized agent); or
8
9 (2) The patient or research subject at the direction and in the
10 presence of the practitioner.
11
12 (b) "Agent" means an authorized person who acts on behalf
13 of or at the direction of a manufacturer, distributor or dispenser.
14 It does not include a common or contract carrier, public
15 warehouseman or employee of the carrier or warehouseman.
16
17 (c) "Analogue" means a substance that, in relation to a
18 controlled substance, has a substantially similar chemical
19 structure.
20
21 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
22 Drugs, United States Department of Justice" or its successor
23 agency.
24
25 (e) "Controlled substance" means a drug, substance or
26 immediate precursor in Schedules I through V of article two of
27 this chapter.
28
29 (f) "Counterfeit substance" means a controlled substance
30 which, or the container or labeling of which, without
31 authorization, bears the trademark, trade name or other
identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Imitation controlled substance" means: (1) A controlled substance which is falsely represented to be a different controlled substance; (2) a drug or substance which is not a controlled substance but which is falsely represented to be a controlled substance; or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packaged, distributed or priced so as to cause a reasonable person to believe that it is a controlled substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of: (1) A controlled substance, whether or not there is an agency relationship; (2) a counterfeit substance; or (3) an imitation controlled substance.

(i) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for that delivery.

(j) "Dispenser" means a practitioner who dispenses.

(k) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance, a counterfeit substance or an imitation controlled substance.

(l) "Distributor" means a person who distributes.

(m) "Drug" means: (1) Substances recognized as drugs in the official "United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States or official National
Formulary", or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in subdivision (1), (2) or (3) of this subdivision. It does not include devices or their components, parts or accessories.

(n) "Immediate derivative" means a substance which is the principal compound or any analogue of the parent compound manufactured from a known controlled substance primarily for use and which has equal or similar pharmacologic activity as the parent compound which is necessary to prevent, curtail or limit manufacture.

(o) "Immediate precursor" means a substance which is the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(p) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner as an incident to his or her administering or dispensing of a controlled substance in the course of his or her professional practice; or
(2) By a practitioner, or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

(q) "Marijuana" means all parts of the plant "Cannabis sativa L.", whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, immediate derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, immediate derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

(r) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, immediate derivative or preparation of opium or opiate.

(2) Any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1) of this subdivision, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, immediate derivative or preparation of coca leaves and any salt, compound, isomer, immediate derivative or preparation thereof which is chemically equivalent or identical with any of these substances,
but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(s) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under section two hundred one, article two of this chapter, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(t) "Opium poppy" means the plant of the species "Papaver somniferum L.", except its seeds.

(u) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(v) "Placebo" means an inert medicament or preparation administered or dispensed for its psychological effect, to satisfy a patient or research subject or to act as a control in experimental series.

(w) "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

(x) "Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct
research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.

(y) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(z) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof and any area subject to the legal authority of the United States of America.

(aa) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her own use or for the use of a member of his or her household or for administering to an animal owned by him or her or by a member of his or her household.

ARTICLE 2. STANDARDS AND SCHEDULES.

§60A-2-204. Schedule I.

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

(b) Opiates. — Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their 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 (for purposes of subdivision (34) of this subsection only, the term isomer includes the optical and geometric isomers):

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

(2) Acetylmethadol;

(3) Allylprodine;
(4) Alphacetylmethadol (except levoalphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(5) Alphameprodine;

(6) Alphamethadol;

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

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

(9) Benzethidine;

(10) Betacetylmethadol;

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

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

(13) Betameprodine;

(14) Betamethadol;

(15) Betaprodine;

(16) Clonitazene;

(17) Dextromoramide;

(18) Diampromide;

(19) Diethylthiambutene;
39 (20) Difenoxin;
40 (21) Dimenoxadol;
41 (22) Dimepheptanol;
42 (23) Dimethylthiambutene;
43 (24) Dioxaphetyl butyrate;
44 (25) Dipipanone;
45 (26) Ethylmethylthiambutene;
46 (27) Etonitazene;
47 (28) Etoxeridine;
48 (29) Furethidine;
49 (30) Hydroxypethidine;
50 (31) Ketobemidone;
51 (32) Levomoramide;
52 (33) Levophenacylmorphan;
53 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
55 (35) 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
57 (36) Morpheridine;
58 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
59 (38) Noracymethadol;
(39) Norlevorphanol;
(40) Normethadone;
(41) Norpipanone;
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
(43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxyperidine);
(44) Phenadoxone;
(45) Phenampromide;
(46) Phenomorphan;
(47) Phenoperidine;
(48) Piritramide;
(49) Proheptazine;
(50) Properidine;
(51) Propiram;
(52) Racemoramide;
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl] propanamide);
(54) Tilidine;
(55) Trimeperidine.

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

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except HCl Salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(d) Hallucinogenic substances. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of 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 (for purposes of this subsection only, the term “isomer” includes the optical, position and geometric isomers):

(1) Alpha-ethyltryptamine; some trade or other names: etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; alpha-ET; and AET;

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

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

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

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

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
(7) 4-methoxyamphetamine; some trade or other names: 
4-methoxy-alpha-methylphenethylamine; 
paramethoxyamphetamine; PMA;

(8) 5-methoxy-3, 4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and 
other names: 4-methyl-2,5-dimethoxy-alpha-
methylphenethylamine; "DOM"; and "STP";

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known 
as - ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, 
N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also 
known as - hydroxy-alpha-methyl-3,4 (methylenedioxy) 
phenethylamine, and - hydroxy MDA);

(14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (other name: AMT);

(17) Bufotenine; some trade and other names: 
3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-
dimethyltryptamine; mappine;

(18) Diethyltryptamine; some trade and other names: N, 
N-Diethyltryptamine; DET;

(19) Dimethyltryptamine; some trade or other names: DMT;

(20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
(21) Ibogaine; some trade and other names: 7-Ethyl-6, 6
Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
pyrido [1', 2': 1, 2] azepino [5,4-b] indoie; Tabernanthe iboga;

(22) Lysergic acid diethylamide;

(23) Marihuana;

(24) Mescaline;

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

(26) Peyote; meaning all parts of the plant presently
classified botanically as Lophophora williamsii Lemaire,
whether growing or not, the seeds thereof, any extract from any
part of such plant, and every compound, manufacture, salts,
immediate derivative, mixture or preparation of such plant, its
seeds or extracts;

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols; synthetic equivalents of the
substances contained in the plant, or in the resinous extractives
of Cannabis, sp. and/or synthetic substances, immediate
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 tetrahydrocannabinol, and its optical isomers;

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

(32) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

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

(34) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine; TPCP, TCP;

(35) 1[1-(2-thienyl)cyclohexyl]pyrroldine; some other names: TCPy.

(36) 4-methylmethcathinone (Mephedrone);

(37) 3,4-methylenedioxypyrovalerone (MDPV);

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
Enr. Com. Sub. For H. B. No. 4208] 16

213 (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
214 (45) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);
215 (46) 2-(2,5-Dimethoxy-4- (n)-propylphenyl)ethanamine
216 (2C-P);
217 (47) 3,4-Methylenedioxy-N-methylcathinone (Methylnone);
218 (48) (2,5-dimethoxy-4-(n)-propylthiophenethylamine
219 (2C-T-7, its optical isomers, salts and salts of isomers;
220 (49) 5-methoxy-N,N-dimethyltryptamine some trade or other
221 names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole;
222 5-MeO-DMT(5-MeO-DMT);
223 (50) Alpha-methyltryptamine (other name: AMT);
224 (51) 5-methoxy-N,N-diisopropyltryptamine (other name:
225 5-MeO-DIPT);
226 (52) Synthetic Cannabinoids as follows:
227 (A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
228 (2-methyloctan-2-yl)phenol) {also known as CP 47,497 and
229 homologues};
230 (B) rel-2-[(1S,3R)-3-hydroxycyclohexyl]
231 -5-(2-methylnonan-2-yl)phenol {also known as CP 47,497-C8
232 homolog};
233 (C) [(6aR)-9-(hydroxymethyl)-6,
234 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-
235 tetrahydrobenzo[c]chromen-1-ol)] {also known as HU-210};
236 (D) (dexamabinol, (6aS,10aS)-9-(hydroxymethyl)-
237 6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobe
238 nzol[c]chromen-1-ol) {also known as HU-211};
239 (E) 1-Pentyl-3-(1-naphthoyl)indole {also known as
240 JWH-018};
(F) 1-Butyl-3-(1-naphthoyl)indole {also known as JWH-073};

(G) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-015};

(H) (1-hexyl-1H-indol-3-yl)-1-naphthalenyl-methanone {also known as JWH-019};

(I) [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-naphthalenyl-methanone {also known as JWH-200};

(J) 1-(1-pentyl-1H-indol-3-yl)-2-(3-hydroxyphenyl)ethanone {also known as JWH-250};

(K) 2-(1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl) -5-(2-methyloctan-2-yl)phenol {also known as CP 55,940};

(L) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-122};

(M) (4-methyl-1-naphthalenyl) (1-pentyl-1H-indol-3-yl)-methanone {also known as JWH-398};

(N) (4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone {also known as RCS-4};

(O) 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl) -2-(2-methoxyphenyl) ethanone {also known as RCS-8};

(P) 1-pentyl-3-[1-(4-methoxynaphthothyl)]indole (JWH-081);

(Q) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

and

(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694).

(53) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the
(A) CP 47,497 AND homologues, 2-[(1R,3S)-3-
Hydroxycyclohexyl]-5-(2-methyloctan-2-YL)phenol;

(B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-
6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,
10A-tetrahydrobenzo[C] chromen-1-OL];

(C) HU-211, (dexamabinol, (6AS,10AS)-9-
( hydroxymethyl) -6,6-D imethyl-3-(2-
methyloctan-2-YL)-6A,7,10,10atetrahydrobenzo[
C]chromen-1-OL);

(D) JWH-018, 1-pentyl-3-(1-naphthoyl)indole;

(E) JWH-019, 1-hexyl-3-(1-naphthoyl)indole;

(F) JWH-073, 1-butyl-3-(1-naphthoyl)indole;

(G) JWH-200, (1-(2-morpholin-4-yylethyl)indol-3-yl)-
Naphthalen-1-ylmethanone;

(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl)indole.

(54) Synthetic cannabinoids including any material,
compound, mixture or preparation that is not listed as a
controlled substance in Schedule I through V, is not a federal
Food and Drug Administration approved drug or used within
legitimate and approved medical research and which contains
any quantity of the following substances, their salts, isomers,
whether optical positional or geometric, analogues, homologues
and salts of isomers, analogues and homologues, unless
specifically exempted, whenever the existence of these salts,
isomers, analogues, homologues and salts of isomers, analogues
and homologues if possible within the specific chemical designation:

(A) Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(i) DELTA-1 CIS OR trans tetrahydrocannabinol and their optical isomers.

(ii) DELTA-6 CIS OR trans tetrahydrocannabinol and their optical isomers.

(iii) DELTA-3,4 CIS or their trans tetrahydrocannabinol and their optical isomers.

(B) Naphthoylindoles or any compound containing a 3-(1-Naphtoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(i) JWH 015;

(ii) JWH 018;

(iii) JWH 019;

(iv) JWH 073;

(v) JWH 081;

(vi) JWH 122;

(vii) JWH 200;
(viii) JWH 210;
(ix) JWH 398;
(x) AM 2201;
(xi) WIN 55,212.

(55) Naphthylmethylindoles or any compound containing a 1-hindol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 175 and JWH 184.

(56) Naphthoylpyrroles or any compound containing a 3-(1-Naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 147 and JWH 307.

(57) Naphthylmethylindenes or any compound containing a Naphthylideneindene structure with substitution at the 3-position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include, but not be limited to, JWH 176.

(58) Phenylacetylindoles or any compound containing a Phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) RCS-8, SR-18 OR BTM-8;
(B) JWH 250;
(C) JWH 203;
(D) JWH 251;
(E) JWH 302.

(59) Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

(A) CP 47,497 and its homologues and analogs;
(B) Cannabicyclohexanol;
(C) CP 55,940.

(60) Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) AM 694;
(B) Pravadoline WIN 48,098;
(C) RCS 4;
(D) AM 679.

(61) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1,4-benzoxacin-6-YL]-1-napthalenymethanone. This shall include WIN 55,212-2.

(62) Dibenzopyrans or any compound containing a 11-hydroxydelta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.
(63) Adamantoylindoles or any compound containing a 3-(-1- Adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM1248.

(64) Tetramethylcyclopropylindoles or any compound containing a 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

(65) N-(1-Adamantyl)-1-pentyl-1h-indazole-3-carboxamide. This shall include AKB48.

(66) Any other synthetic chemical compound that is a Cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not federal Food and Drug Administration approved drug or used within legitimate, approved medical research. Since nomenclature of these substances is not internationally standardized, any immediate precursor or immediate derivative of these substances shall be covered.

(e) 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, 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) Mecloqualone;

(2) Methaqualone.

(f) 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 stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

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

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

(3) Fenethylline;

(4) Methcathinone, its immediate precursors and immediate derivatives, its salts, optical isomers and salts of optical isomers; some other names: (2-(methylamino)-propiophenone; alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; 3,4-methylenedioxypyrovalerone and/or mephedrone; 3,4-methylenedioxypyrovalerone (MPVD); ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432;

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

(6) N-ethylamphetamine;

(7) N,N-dimethylamphetamine; also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine.

(8) Alpha-pyrrolidinopentiophenone, also known as alphapvp, optical isomers, salts and salts of isomers.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains any quantity of the following substances:
Enr. Com. Sub. For H. B. No. 4208] 24

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

441 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-phenylpropanamide
442 (thenylfentanyl), its optical isomers, salts and salts of isomers.

443 (3) N-benzylpiperazine, also known as BZP.

444 (h) The following controlled substances are included in
445 Schedule I:

446 (1) Synthetic Cathinones or any compound, except
447 bupropion or compounds listed under a different schedule, or
448 compounds used within legitimate and approved medical
449 research, structurally derived from 2- Aminopropan-1-one by
450 substitution at the 1-position with Monocyclic or fused
451 polycyclic ring systems, whether or not the compound is further
452 modified in any of the following ways:

453 (A) By substitution in the ring system to any extent with
454 alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide
455 Substituents whether or not further substituted in the ring system
456 by one or more other univalent substituents.

457 (B) By substitution at the 3-position with an acyclic alkyl
458 substituent.

459 (C) By substitution at the 2-amino nitrogen atom with alkyl,
460 dialkyl, benzyl or methoxybenzyl groups.

461 (D) By inclusion of the 2-amino nitrogen atom in a cyclic
462 structure.

463 (2) Any other synthetic chemical compound that is a
464 Cannabinoid receptor type 1 agonist as demonstrated by binding
465 studies and functional assays that is not listed in Schedules II,
466 III, IV and V, not federal Food and Drug Administration
467 approved drug or used within legitimate, approved medical
468 research.
§60A-2-206. Schedule II.

(a) Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

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

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

(A) Raw opium;

(B) Opium extracts;

(C) Opium fluid;

(D) Powdered opium;

(E) Granulated opium;

(F) Tincture of opium;

(G) Codeine;

(H) Dihydroetorphine;

(I) Ethylmorphine;

(J) Etorphine hydrochloride;

(K) Hydrocodone;
(L) Hydromorphone;
(M) Metopon;
(N) Morphine;
(O) Oripavine;
(P) Oxycodone;
(Q) Oxymorphone; and
(R) Thebaine;

(2) Any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision (1) of this subsection, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

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

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

(c) Opiates. — Unless specifically excepted or unless 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, dextrorphan and levopropoxyphene excepted:

(1) Alfentanil;
(2) Alphaprodine;
(3) Anileridine;
(4) Bezitramide;
(5) Bulk dextropropoxyphene (nondosage forms);
(6) Carfentanil;
(7) Dihydrocodeine;
(8) Diphenoxylate;
(9) Fentanyl;
(10) Isomethadone;
(11) Levo-alphacetylmethadol; some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM;
(12) Levomethorphan;
(13) Levorphanol;
(14) Metazocine;
(15) Methadone;
(16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
(18) Pethidine; (meperidine);

(19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(22) Phenazocine;

(23) Piminodine;

(24) Racemethorphan;

(25) Racemorphlan;

(26) Remifentanil;

(27) Sufentanil; and

(28) Tapentadol.

(d) 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 stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers and salts of its isomers;

(3) Methylphenidate;

(4) Phenmetrazine and its salts; and
29 [Enr. Com. Sub. For H. B. No. 4208

101 (5) Lisdexamfetamine.

102 (e) **Depressants.** — Unless specifically excepted or unless
103 listed in another schedule, any material, compound, mixture or
104 preparation which contains any quantity of the following
105 substances having a depressant effect on the central nervous
106 system, including its salts, isomers and salts of isomers
107 whenever the existence of such salts, isomers and salts of
108 isomers is possible within the specific chemical designation:

109 (1) Amobarbital;

110 (2) Glutethimide;

111 (3) Pentobarbital;

112 (4) Phencyclidine;

113 (5) Secobarbital.

114 (f) **Hallucinogenic substances:**

115 Nabilone: [Another name for nabilone: (++)-trans-3-(1,
116 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6,
117 6-dimethyl-9H-dibenzo [b,d] pyran-9-one].

118 (g) **Immediate precursors.** — Unless specifically excepted
119 or unless listed in another schedule, any material, compound,
120 mixture, or preparation which contains any quantity of the
121 following substances:

122 (1) Immediate precursor to amphetamine and
123 methamphetamine:

124 (A) Phenylacetone;

125 (B) Some trade or other names: phenyl-2-propanone; P2P;
126 benzyl methyl ketone; methyl benzyl ketone;
(2) Immediate precursors to phencyclidine (PCP):

(A) 1-phenylcyclohexylamine; and

(B) 1-piperidinocyclohexanecarbonitrile (PCC).

(3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

§60A-2-208. Schedule III.

(a) Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section.

(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 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 the 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 August 25, 1971, as excepted compounds under 21 C.F.R. §1308.32, 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.
(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 of pentobarbital 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 of barbituric acid;

(4) Aprobarbital;

(5) Butabarbital (secbutabarbital);

(6) Butalbital (including, but not limited to, Fioricet);

(7) Butobarbital (butethal);

(8) Chlorhexadol;

(9) Embutramide;
(10) Gamma Hydroxybutyric Acid preparations;

(11) Ketamine, its salts, isomers and salts of isomers [Some other names for ketamine: (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone];

(12) Lysergic acid;

(13) Lysergic acid amide;

(14) Methyprylon;

(15) Sulfondiethylmethane;

(16) Sulfonethylmethane;

(17) Sulfonmethane;

(18) Thiamylal;

(19) Thiopental;

(20) Tiletamine and zolazepam or any salt of tiletamine and zolazepam; 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 zolazepam: 4-(2-flurophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon; and

(21) Vinbarbital.

(d) Nalorphine. —

(e) Narcotic drugs.—Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
(A) 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 isoquinoline alkaloid of opium;

(B) Not more than 1.8 grams of codeine per 100 milliliters or 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 dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium: Provided, That a prescription for a product described in this subdivision may not be filled for more than a one month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;

(4) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts: Provided, That a prescription for a product described in this subdivision may not be filled for more than a one month supply or filled or refilled more than three months after the date of the original prescription. Such prescription may not be refilled more than twice;

(C) 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;

(D) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
(E) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

(2) Any material, compound, mixture or preparation containing buprenorphine or its salts (including, but not limited to, Suboxone).

(f) Anabolic steroids. — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of anabolic steroids, including its salts, isomers and salts of isomers whenever the existence of the salts of isomers is possible within the specific chemical designation.

(g) Human growth hormones. —

(h) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product. (Some other names for dronabinol: (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1- ol or (-)-delta-9-(trans)-tetrahydrocannabinol).

§60A-2-210. Schedule IV.

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

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

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

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

(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, 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) Carisoprodol;
(6) Chloral betaine;
(7) Chloral hydrate;
(8) Chlordiazepoxide;
(9) Clobazam;
(10) Clonazepam;
(11) Clorazepate;
(12) Clotiazepam;
(13) Cloxazolam;
(14) Delorazepam;
(15) Diazepam;
(16) Dichloralphenazone;
(17) Estazolam;
(18) Ethchlorvynol;
(19) Ethinamate;
(20) Ethyl loflazepate;
(21) Fludiazepam;
(22) Flunitrazepam;
(23) Flurazepam;
(24) Fospropofol;
(25) Halazepam;
(26) Haloxazolam;
(27) Ketazolam;
(28) Loprazolam;
(29) Lorazepam;
(30) Lormetazepam;
(31) Mebutamate;
(32) Medazepam;
(33) Meprobamate;
(34) Methohexital;
(35) Methylphenobarbital (mephobarbital);
(36) Midazolam;
(37) Nimetazepam;
(38) Nitrazepam;
(39) Nordiazepam;
(40) Oxazepam;
(41) Oxazolam;
(42) Paraldehyde;
(43) Petrichloral;
(44) Phenobarbital;
(45) Pinazepam;
(46) Prazepam;
(47) Quazepam;
(48) Temazepam;
(49) Tetrazepam;
(50) Triazolam;
(51) Zaleplon;
(52) Zolpidem;
(53) Zopiclone.

(d) Any material, compound, mixture or preparation which contains any quantity of the following substance, including its
Enr. Com. Sub. For H. B. No. 4208] 38

74 salts, isomers (whether optical, position or geometric) and salts
75 of such isomers whenever the existence of such salts, isomers
76 and salts of isomers is possible: Fenfluramine and
77 Dexfenfluramine.

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

83 (1) Cathine ((+)-norpseudoephedrine);
84 (2) Diethylpropion;
85 (3) Fenproporex;
86 (4) Fenproporex;
87 (5) Mazindol;
88 (6) Mefenorex;
89 (7) Modafinil;
90 (8) Pemoline (including organometallic complexes and
91 chelates thereof);
92 (9) Phentermine;
93 (10) Pipradrol;
94 (11) Sibutramine;
95 (12) SPA (-)-1-dimethylamino-1,2-diphenylethane).

96 (f) Other substances. — Unless specifically excepted or
97 unless listed in another schedule, any material, compound,
98 mixture or preparation which contains any quantity of the
99 following substances, including its salts:
(1) Pentazocine;
(2) Butorphanol;
(3) Tramadol hydrochloride.

Amyl nitrite, butyl nitrite, isobutyl nitrite and the other organic nitrites 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.

§60A-2-212. Schedule V.

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

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

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

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

(c) Stimulants. — Unless specifically exempted or excluded 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 and salts of isomers:

(1) Pyrovalerone.

(d) Any compound, mixture or preparation containing as its single active ingredient ephedrine, pseudoephedrine or phenylpropanolamine, their salts or optical isomers, or salts of optical isomers except products which are for pediatric use primarily intended for administration to children under the age of twelve: Provided, That neither the offenses set forth in section four hundred one, article four of this chapter, nor the penalties therein, shall be applicable to ephedrine, pseudoephedrine or phenylpropanolamine which shall be subject to the provisions of article ten of this chapter.

(e) Depressants. — Unless specifically exempted or excluded 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, including its salts:

(1) Ezogabine [N-[2-amino-4-94-fluorobenzylamino]-phenyl]-carbamic acid ethyl ester];

(2) Lacosamide [(R)-2-acetoamido- N-benzyl-3-methoxypropionamide];

(3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
§60A-3-308. Prescriptions.

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the lawful prescription of a practitioner.

(b) In emergency situations, as defined by rule of the said appropriate department, board or agency, Schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing and filed by the pharmacy. Prescription shall be retained in conformity with the requirements of section three hundred six of this article. No prescription for a Schedule II substance may be refilled.

(c) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under appropriate state or federal statute, shall not be dispensed without a lawful prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner.

(d) (1) A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medicinal purpose: Provided, That buprenorphine shall be dispensed only by prescription pursuant to subsections (a), (b) and (c) of this section: Provided, however, That the controlled substances included in subsection (e), section two hundred twelve, article two of this chapter shall be dispensed, sold or distributed only by a physician, in a pharmacy by a pharmacist or pharmacy technician, or health care professional.

(2) If the substance described in subsection (e), section two hundred twelve, article two of this chapter is dispensed, sold or distributed in a pharmacy:
(A) The substance shall be dispensed, sold or distributed only by a pharmacist or a pharmacy technician; and

(B) Any person purchasing, receiving or otherwise acquiring any such substance shall produce a photographic identification issued by a state or federal governmental entity reflecting his or her date of birth.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Member

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the 1st day of April, 2014.

Governor
PRESENTED TO THE GOVERNOR

May 28 2014

Time 10:49 AM