

HB 4208

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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.

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FOR

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SECRETARY OF STATE**

H. B. 4208

**(BY DELEGATES FLEISCHAUER, BARILL,
MARSHALL, BARKER, PERDUE, KINSEY, ELLEM,
PASDON, HUNT, MARCUM AND BORDER)**

[Passed March 8, 2014; in effect 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.

§60A-1-101. 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 (1) A practitioner (or, in his or her presence, by his or her
6 authorized agent); or

7 (2) The patient or research subject at the direction and in the
8 presence of the practitioner.

9 (b) "Agent" means an authorized person who acts on behalf
10 of or at the direction of a manufacturer, distributor or dispenser.
11 It does not include a common or contract carrier, public
12 warehouseman or employee of the carrier or warehouseman.

13 (c) "Analogue" means a substance that, in relation to a
14 controlled substance, has a substantially similar chemical
15 structure.

16 (d) "Bureau" means the "Bureau of Narcotics and Dangerous
17 Drugs, United States Department of Justice" or its successor
18 agency.

19 (e) "Controlled substance" means a drug, substance or
20 immediate precursor in Schedules I through V of article two of
21 this chapter.

22 (f) "Counterfeit substance" means a controlled substance
23 which, or the container or labeling of which, without
24 authorization, bears the trademark, trade name or other

25 identifying mark, imprint, number or device, or any likeness
26 thereof, of a manufacturer, distributor or dispenser other than the
27 person who in fact manufactured, distributed or dispensed the
28 substance.

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

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

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

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

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

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

53 (m) "Drug" means: (1) Substances recognized as drugs in
54 the official "United States Pharmacopoeia, official Homeopathic
55 Pharmacopoeia of the United States or official National

56 Formulary”, or any supplement to any of them; (2) substances
57 intended for use in the diagnosis, cure, mitigation, treatment or
58 prevention of disease in man or animals; (3) substances (other
59 than food) intended to affect the structure or any function of the
60 body of man or animals; and (4) substances intended for use as
61 a component of any article specified in subdivision (1), (2) or (3)
62 of this subdivision. It does not include devices or their
63 components, parts or accessories.

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

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

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

85 (1) By a practitioner as an incident to his or her
86 administering or dispensing of a controlled substance in the
87 course of his or her professional practice; or

88 (2) By a practitioner, or by his or her authorized agent under
89 his or her supervision, for the purpose of, or as an incident to,
90 research, teaching or chemical analysis and not for sale.

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

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

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

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

114 (3) Opium poppy and poppy straw.

115 (4) Coca leaves and any salt, compound, immediate
116 derivative or preparation of coca leaves and any salt, compound,
117 isomer, immediate derivative or preparation thereof which is
118 chemically equivalent or identical with any of these substances,

119 but not including decocainized coca leaves or extractions of coca
120 leaves which do not contain cocaine or ecgonine.

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

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

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

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

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

141 (x) "Practitioner" means:

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

147 (2) A pharmacy, hospital or other institution licensed,
148 registered or otherwise permitted to distribute, dispense, conduct

149 research with respect to, or to administer a controlled substance
150 in the course of professional practice or research in this state.

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

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

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

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 name,
3 chemical name, or brand name designated, listed in this section.

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

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

13 (2) Acetylmethadol;

14 (3) Allylprodine;

- 15 (4) Alphacetylmethadol (except levoalphacetylmethadol also
16 known as levo-alpha-acetylmethadol, levomethadyl acetate, or
17 LAAM);
- 18 (5) Alphameprodine;
- 19 (6) Alphamethadol;
- 20 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)
21 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-
22 4-(– propanilido) piperidine);
- 23 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)
24 ethyl- 4-piperidinyl]-N-phenylpropanamide);
- 25 (9) Benzethidine;
- 26 (10) Betacetylmethadol;
- 27 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)
28 -4- piperidinyl]-N-phenylpropanamide);
- 29 (12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-
30 hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropa
31 namide);
- 32 (13) Betameprodine;
- 33 (14) Betamethadol;
- 34 (15) Betaprodine;
- 35 (16) Clonitazene;
- 36 (17) Dextromoramide;
- 37 (18) Diampromide;
- 38 (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) Levophenacymorphan;
- 53 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-
54 piperidyl]-N-phenylpropanamide);
- 55 (35) 3-methylthiofentanyl (N-[3-methyl-1-(2-thienyl)
56 ethyl-4- piperidinyl]-N-phenylpropanamide);
- 57 (36) Morpheridine;
- 58 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 59 (38) Noracymethadol;

- 60 (39) Norlevorphanol;
- 61 (40) Normethadone;
- 62 (41) Norpipanone;
- 63 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-
64 phenethyl)-4-piperidinyl] propanamide);
- 65 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-
66 acetoxypiperidine);
- 67 (44) Phenadoxone;
- 68 (45) Phenampromide;
- 69 (46) Phenomorphan;
- 70 (47) Phenoperidine;
- 71 (48) Piritramide;
- 72 (49) Proheptazine;
- 73 (50) Properidine;
- 74 (51) Propiram;
- 75 (52) Racemoramide;
- 76 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
77 piperidinyl]-propanamide);
- 78 (54) Tilidine;
- 79 (55) Trimeperidine.

80 (c) *Opium derivatives*. — Unless specifically excepted or
81 unless listed in another schedule, any of the following opium
82 immediate derivatives, its salts, isomers and salts of isomers

83 whenever the existence of such salts, isomers and salts of
84 isomers is possible within the specific chemical designation:

- 85 (1) Acetorphine;
- 86 (2) Acetyldihydrocodeine;
- 87 (3) Benzylmorphine;
- 88 (4) Codeine methylbromide;
- 89 (5) Codeine-N-Oxide;
- 90 (6) Cyprenorphine;
- 91 (7) Desomorphine;
- 92 (8) Dihydromorphine;
- 93 (9) Drotebanol;
- 94 (10) Etorphine (except HCl Salt);
- 95 (11) Heroin;
- 96 (12) Hydromorphanol;
- 97 (13) Methyldesorphine;
- 98 (14) Methyldihydromorphine;
- 99 (15) Morphine methylbromide;
- 100 (16) Morphine methylsulfonate;
- 101 (17) Morphine-N-Oxide;
- 102 (18) Myrophine;
- 103 (19) Nicocodeine;

104 (20) Nicomorphine;

105 (21) Normorphine;

106 (22) Pholcodine;

107 (23) Thebacon.

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

117 (1) Alpha-ethyltryptamine; some trade or other names:
118 etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;
119 3-(2-aminobutyl) indole; alpha-ET; and AET;

120 (2) 4-bromo-2, 5-dimethoxy-amphetamine; some trade or
121 other names: 4-bromo-2,5-dimethoxy-alpha-
122 methylphenethylamine; 4-bromo-2,5-DMA;

123 (3) 4-Bromo-2,5-dimethoxyphenethylamine; some trade or
124 other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;
125 alpha- desmethyl DOB; 2C-B, Nexus;

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

128 (5) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other
129 names: DOET;

130 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other
131 name: 2C-T-7);

- 132 (7) 4-methoxyamphetamine; some trade or other names:
133 4 - m e t h o x y - a l p h a - m e t h y l p h e n e t h y l a m i n e ;
134 paramethoxyamphetamine; PMA;
- 135 (8) 5-methoxy-3, 4-methylenedioxy-amphetamine;
- 136 (9) 4-methyl-2,5-dimethoxy-amphetamine; some trade and
137 other names: 4-methyl-2,5-dimethoxy-alpha-
138 methylphenethylamine; "DOM"; and "STP";
- 139 (10) 3,4-methylenedioxy amphetamine;
- 140 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 141 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known
142 as - ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine,
143 N-ethyl MDA, MDE, MDEA);
- 144 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also
145 known as - hydroxy-alpha-methyl-3,4 (methylenedioxy)
146 phenethylamine, and - hydroxy MDA);
- 147 (14) 3,4,5-trimethoxy amphetamine;
- 148 (15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 149 (16) Alpha-methyltryptamine (other name: AMT);
- 150 (17) Bufotenine; some trade and other names:
151 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;3-(2-dimethyla
152 minoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-
153 dimethyltryptamine; mappine;
- 154 (18) Diethyltryptamine; some trade and other names: N,
155 N-Diethyltryptamine; DET;
- 156 (19) Dimethyltryptamine; some trade or other names: DMT;
- 157 (20) 5-Methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

- 158 (21) Ibogaine; some trade and other names: 7-Ethyl-6, 6
159 Beta, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-
160 pyrido [1', 2': 1, 2] azepino [5,4-b] indole; Tabernanthe iboga;
- 161 (22) Lysergic acid diethylamide;
- 162 (23) Marihuana;
- 163 (24) Mescaline;
- 164 (25) Parahexyl-7374; some trade or other names: 3-Hexyl
165 -1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo
166 [b,d] pyran; Synhexyl;
- 167 (26) Peyote; meaning all parts of the plant presently
168 classified botanically as *Lophophora williamsii* Lemaire,
169 whether growing or not, the seeds thereof, any extract from any
170 part of such plant, and every compound, manufacture, salts,
171 immediate derivative, mixture or preparation of such plant, its
172 seeds or extracts;
- 173 (27) N-ethyl-3-piperidyl benzilate;
- 174 (28) N-methyl-3-piperidyl benzilate;
- 175 (29) Psilocybin;
- 176 (30) Psilocyn;
- 177 (31) Tetrahydrocannabinols; synthetic equivalents of the
178 substances contained in the plant, or in the resinous extractives
179 of *Cannabis*, sp. and/or synthetic substances, immediate
180 derivatives and their isomers with similar chemical structure and
181 pharmacological activity such as the following:
- 182 Delta-1 Cis or trans tetrahydrocannabinol, and their optical
183 isomers;
- 184 Delta-6 Cis or trans tetrahydrocannabinol, and their optical
185 isomers;

186 Delta-3,4 Cis or trans tetrahydrocannabinol, and its optical
187 isomers;

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

192 (32) Ethylamine analog of phencyclidine; some trade or
193 other names: N-ethyl-1-phenylcyclohexylamine,
194 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
195 ethylamine, cyclohexamine, PCE;

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

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

201 (35) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other
202 names: TCPy.

203 (36) 4-methylmethcathinone (Mephedrone);

204 (37) 3,4-methylenedioxypropylvalerone (MDPV);

205 (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

206 (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

207 (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

208 (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

209 (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
210 (2C-T-2);

211 (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
212 (2C-T-4);

- 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 (Methylone);
- 218 (48) (2,5-dimethoxy-4-(n)-propyltghiophenethylamine
219 (2C-T-7, itsoptical 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) (dexanabinol, (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};

241 (F) 1-Butyl-3-(1-naphthoyl)indole {also known as
242 JWH-073};

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

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

247 (I) [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-
248 1-naphthalenyl-methanone {also known as JWH-200};

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

251 (K) 2-(1S,2S,5S)-5-hydroxy-2-
252 (3-hydroxypropyl)cyclohexyl)-5-(2-methyloctan-2-yl)phenol
253 {also known as CP 55,940};

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

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

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

260 (O) 1-(1-(2-cyclohexylethyl) -1H-indol-3-yl)
261 -2-(2-methoxyphenyl) ethanone {also known as RCS-8};

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

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

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

266 (53) Synthetic cannabinoids or any material, compound,
267 mixture or preparation which contains any quantity of the

268 following substances, including their analogues, congeners,
269 homologues, isomers, salts and salts of analogues, congeners,
270 homologues and isomers, as follows:

271 (A) CP 47,497 AND homologues, 2-[(1R,3S)-3-
272 Hydroxycyclohexyl]-5-(2-methyloctan-2-YL)phenol);

273 (B) HU-210, [(6AR,10AR)-9-(hydroxymethyl)-
274 6,6-dimethyl-3-(2-Methyloctan-2-YL)-6A,7,10,
275 10A-tetrahydrobenzo[C]chromen-1-OL)];

276 (C) HU-211, (dexanabinol, (6AS,10AS)-9-
277 (hydroxymethyl)-6,6-Dimethyl-3-(2-
278 methyloctan-2-YL)-6A,7,10,10atetrahydrobenzo[
279 C]chromen-1-OL);

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

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

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

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

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

286 (54) Synthetic cannabinoids including any material,
287 compound, mixture or preparation that is not listed as a
288 controlled substance in Schedule I through V, is not a federal
289 Food and Drug Administration approved drug or used within
290 legitimate and approved medical research and which contains
291 any quantity of the following substances, their salts, isomers,
292 whether optical positional or geometric, analogues, homologues
293 and salts of isomers, analogues and homologues, unless
294 specifically exempted, whenever the existence of these salts,
295 isomers, analogues, homologues and salts of isomers, analogues

296 and homologues if possible within the specific chemical
297 designation:

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

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

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

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

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

316 (i) JWH 015;

317 (ii) JWH 018;

318 (iii) JWH 019;

319 (iv) JWH 073;

320 (v) JWH 081;

321 (vi) JWH 122;

322 (vii) JWH 200;

323 (viii) JWH 210;

324 (ix) JWH 398;

325 (x) AM 2201;

326 (xi) WIN 55,212.

327 (55) Naphylmethyloindoles or any compound containing a
328 1-hindol-3-yl-(1-naphthyl) methane structure with a substitution at
329 the nitrogen atom of the indole ring whether or not further
330 substituted in the indole ring to any extent and whether or not
331 substituted in the naphthyl ring to any extent. This shall include,
332 but not be limited to, JWH 175 and JWH 184.

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

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

345 (58) Phenylacetyloindoles or any compound containing a 3-
346 Phenylacetyloindole structure with substitution at the nitrogen
347 atom of the indole ring whether or not further substituted in the
348 indole ring to any extent and whether or not substituted in the
349 phenyl ring to any extent. This shall include the following:

350 (A) RCS-8, SR-18 OR BTM-8;

351 (B) JWH 250;

352 (C) JWH 203;

353 (D) JWH 251;

354 (E) JWH 302.

355 (59) Cyclohexylphenols or any compound containing a 2-(3-
356 hydroxycyclohexyl) phenol structure with a substitution at the
357 5-position of the phenolic ring whether or not substituted in the
358 cyclohexyl ring to any extent. This shall include the following:

359 (A) CP 47,497 and its homologues and analogs;

360 (B) Cannabicyclohexanol;

361 (C) CP 55,940.

362 (60) Benzoylindoles or any compound containing a
363 3-(benzoyl) indole structure with substitution at the nitrogen
364 atom of the indole ring whether or not further substituted in the
365 indole ring to any extent and whether or not substituted in the
366 phenyl ring to any extent. This shall include the following:

367 (A) AM 694;

368 (B) Pravadoline WIN 48,098;

369 (C) RCS 4;

370 (D) AM 679.

371 (61) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo
372 [1,2,3-DE]-1,4-benzoxazin-6-YL]-1-naphthalenymethanone. This
373 shall include WIN 55,212-2.

374 (62) Dibenzopyrans or any compound containing a
375 11-hydroxydelta 8-tetrahydrocannabinol structure with
376 substitution on the 3-pentyl group. This shall include HU-210,
377 HU-211, JWH 051 and JWH 133.

378 (63) Adamantoylindoles or any compound containing a
379 3-(-1- Adamantoyl) indole structure with substitution at the
380 nitrogen atom of the indole ring whether or not further
381 substituted in the adamantoyl ring system to any extent. This
382 shall include AM1248.

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

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

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

399 (e) *Depressants*. — Unless specifically excepted or unless
400 listed in another schedule, any material, compound, mixture, or
401 preparation which contains any quantity of the following
402 substances having a depressant effect on the central nervous
403 system, including its salts, isomers and salts of isomers
404 whenever the existence of such salts, isomers and salts of
405 isomers is possible within the specific chemical designation:

406 (1) Mecloqualone;

407 (2) Methaqualone.

408 (f) *Stimulants*. — Unless specifically excepted or unless
409 listed in another schedule, any material, compound, mixture, or

410 preparation which contains any quantity of the following
 411 substances having a stimulant effect on the central nervous
 412 system, including its salts, isomers and salts of isomers:

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

415 (2) Cathinone; some trade or other names: 2-amino-
 416 1-phenyl-1-propanone, alpha-aminopropiophenone,
 417 2-aminopropiophenone and norephedrone;

418 (3) Fenethylamine;

419 (4) Methcathinone, its immediate precursors and immediate
 420 derivatives, its salts, optical isomers and salts of optical isomers;
 421 some other names: (2-(methylamino)-propionophenone;
 422 alpha-(methylamino)propionophenone; 2-(methylamino)-1-
 423 phenylpropan-1-one; alpha-N-methylaminopropiophenone;
 424 monomethylpropion; 3,4-methylenedioxypropionophenone and/or
 425 mephedrone; 3,4-methylenedioxypropionophenone (MPVD);
 426 ephedrone; N-methylcathinone; methylcathinone; AL-464;
 427 AL-422; AL-463 and UR1432;

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

430 (6) N-ethylamphetamine;

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

434 (8) Alpha-pyrrolidinopropionophenone, also known as alpha-
 435 PVP, optical isomers, salts and salts of isomers.

436 (g) Temporary listing of substances subject to emergency
 437 scheduling. Any material, compound, mixture or preparation
 438 which contains any quantity of the following substances:

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, alkylendioxy, 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.

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

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

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

15 (A) Raw opium;

16 (B) Opium extracts;

17 (C) Opium fluid;

18 (D) Powdered opium;

19 (E) Granulated opium;

20 (F) Tincture of opium;

21 (G) Codeine;

22 (H) Dihydroetorphine;

23 (I) Ethylmorphine;

24 (J) Etorphine hydrochloride;

25 (K) Hydrocodone;

26 (L) Hydromorphone;

27 (M) Metopon;

28 (N) Morphine;

29 (O) Oripavine;

30 (P) Oxycodone;

31 (Q) Oxymorphone; and

32 (R) Thebaine;

33 (2) Any salt, compound, derivative or preparation thereof
34 which is chemically equivalent or identical with any of the
35 substances referred to in subdivision (1) of this subsection,
36 except that these substances shall not include the isoquinoline
37 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 ecgonine and
41 their salts, isomers, derivatives and salts of isomers and
42 derivatives), and any salt, compound, derivative or preparation
43 thereof which is chemically equivalent or identical with any of
44 these substances, except that the substances shall not include
45 decocainized coca leaves or extractions of coca leaves, which
46 extractions do not contain cocaine or ecgonine;

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

50 (c) *Opiates*. — Unless specifically excepted or unless in
51 another schedule, any of the following opiates, including its
52 isomers, esters, ethers, salts and salts of isomers, esters and
53 ethers whenever the existence of such isomers, esters, ethers and

54 salts is possible within the specific chemical designation,
55 dextrophan and levopropoxyphene excepted:

56 (1) Alfentanil;

57 (2) Alphaprodine;

58 (3) Anileridine;

59 (4) Bezitramide;

60 (5) Bulk dextropropoxyphene (nondosage forms);

61 (6) Carfentanil;

62 (7) Dihydrocodeine;

63 (8) Diphenoxylate;

64 (9) Fentanyl;

65 (10) Isomethadone;

66 (11) Levo-alpha-acetylmethadol; some other names: levo-
67 alpha-acetylmethadol, levomethadyl acetate, LAAM;

68 (12) Levomethorphan;

69 (13) Levorphanol;

70 (14) Metazocine;

71 (15) Methadone;

72 (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
73 4-diphenyl butane;

74 (17) Moramide-Intermediate, 2-methyl-3-morpholino-1,
75 1-diphenylpropane-carboxylic acid;

76 (18) Pethidine; (meperidine);

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

79 (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-
80 4-carboxylate;

81 (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-
82 4-carboxylic acid;

83 (22) Phenazocine;

84 (23) Piminodine;

85 (24) Racemethorphan;

86 (25) Racemorphan;

87 (26) Remifentanil;

88 (27) Sufentanil; and

89 (28) Tapentadol.

90 (d) *Stimulants*. — Unless specifically excepted or unless
91 listed in another schedule, any material, compound, mixture or
92 preparation which contains any quantity of the following
93 substances having a stimulant effect on the central nervous
94 system:

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

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

99 (3) Methylphenidate;

100 (4) Phenmetrazine and its salts; and

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;

- 127 (2) Immediate precursors to phencyclidine (PCP):
- 128 (A) 1-phenylcyclohexylamine; and
- 129 (B) 1-piperidinocyclohexanecarbonitrile (PCC).
- 130 (3) Immediate precursor to fentanyl: 4-anilino-N-
- 131 phenethyl-4-piperidine (ANPP).

§60A-2-208. Schedule III.

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

4 (b) *Stimulants.* — Unless specifically excepted or unless
5 listed in another schedule, any material, compound, mixture or
6 preparation which contains any quantity of the following
7 substances having a stimulant effect on the central nervous
8 system, including its salts, isomers (whether optical, position or
9 geometric) and salts of such isomers whenever the existence of
10 the salts, isomers and salts of isomers is possible within the
11 specific chemical designation:

12 (1) Those compounds, mixtures or preparations in dosage
13 unit form containing any stimulant substances listed in Schedule
14 II which compounds, mixtures or preparations were listed on
15 August 25, 1971, as excepted compounds under 21 C.F.R.
16 §1308.32, and any other drug of the quantitative composition
17 shown in that list for those drugs or which is the same except
18 that it contains a lesser quantity of controlled substances;

19 (2) Benzphetamine;

20 (3) Chlorphentermine;

21 (4) Clortermine;

22 (5) Phendimetrazine.

23 (c) *Depressants*. — Unless specifically excepted or unless
24 listed in another schedule, any material, compound, mixture or
25 preparation which contains any quantity of the following
26 substances having a depressant effect on the central nervous
27 system:

28 (1) Any compound, mixture or preparation containing:

29 (A) Amobarbital;

30 (B) Secobarbital;

31 (C) Pentobarbital; or any salt of pentobarbital and one or
32 more other active medicinal ingredients which are not listed in
33 any schedule;

34 (2) Any suppository dosage form containing:

35 (A) Amobarbital;

36 (B) Secobarbital;

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

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

42 (4) Aprobarbital;

43 (5) Butabarbital (secbutabarbital);

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

45 (7) Butobarbital (butethal);

46 (8) Chlorhexadol;

47 (9) Embutramide;

- 48 (10) Gamma Hydroxybutyric Acid preparations;
- 49 (11) Ketamine, its salts, isomers and salts of isomers [Some
50 other names for ketamine: (+-)-2-(2-chlorophenyl)-2-
51 (methylamino)-cyclohexanone];
- 52 (12) Lysergic acid;
- 53 (13) Lysergic acid amide;
- 54 (14) Methyprylon;
- 55 (15) Sulfondiethylmethane;
- 56 (16) Sulfonethylmethane;
- 57 (17) Sulfonmethane;
- 58 (18) Thiamylal;
- 59 (19) Thiopental;
- 60 (20) Tiletamine and zolazepam or any salt of tiletamine and
61 zolazepam; some trade or other names for a
62 tiletamine-zolazepam combination product: Telazol; some trade
63 or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-
64 cyclohexanone; some trade or other names for zolazepam:
65 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
66 [1,4]-diazepin-7(1H)-one, flupyrzapon; and
- 67 (21) Vinbarbital.
- 68 (d) *Nalorphine*. —
- 69 (e) *Narcotic drugs*. — Unless specifically excepted or unless
70 listed in another schedule:
- 71 (1) Any material, compound, mixture or preparation
72 containing any of the following narcotic drugs, or their salts
73 calculated as the free anhydrous base or alkaloid, in limited
74 quantities as set forth below:

75 (A) Not more than 1.8 grams of codeine per 100 milliliters
76 and not more than 90 milligrams per dosage unit, with an equal
77 or greater quantity of an isoquinoline alkaloid of opium;

78 (B) Not more than 1.8 grams of codeine per 100 milliliters
79 or not more than 90 milligrams per dosage unit, with one or
80 more active, nonnarcotic ingredients in recognized therapeutic
81 amounts;

82 (3) Not more than 300 milligrams of dihydrocodeinone
83 (hydrocodone) per 100 milliliters or not more than 15 milligrams
84 per dosage unit, with a fourfold or greater quantity of an
85 isoquinoline alkaloid of opium: *Provided*, That a prescription for
86 a product described in this subdivision may not be filled for
87 more than a one month supply or filled or refilled more than
88 three months after the date of the original prescription. Such
89 prescription may not be refilled more than twice;

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

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

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

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

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

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

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

122 (g) *Human growth hormones*. —

123 (h) Dronabinol (synthetic) in sesame oil and encapsulated in
124 a soft gelatin capsule in a United States food and drug
125 administration approved drug product. (Some other names for
126 dronabinol: (6aR-trans)-6a, 7, 8, 10a-tetrahydro-6, 6,
127 9-trimethyl-3-pentyl-6H-dibenzo [b,d] pyran-1-ol or
128 (-)-delta-9-(trans)-tetrahydrocannabinol).

§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 name,
3 chemical name, or brand name designated, listed in this section.

4 (b) *Narcotic drugs*. — Unless specifically excepted or unless
5 listed in another schedule, any material, compound, mixture or

6 preparation containing any of the following narcotic drugs, or
7 their salts calculated as the free anhydrous base or alkaloid, in
8 limited quantities as set forth below:

9 (1) Not more than 1 milligram of difenoxin and not less than
10 25 micrograms of atropine sulfate per dosage unit;

11 (2) Dextropropoxyphene (alpha-(+)-4- dimethylamino-1,
12 2-diphenyl-3-methyl-2-propionoxybutane).

13 (c) *Depressants*. — Unless specifically excepted or unless
14 listed in another schedule, any material, compound, mixture or
15 preparation which contains any quantity of the following
16 substances, including its salts, isomers and salts of isomers
17 whenever the existence of such salts, isomers and salts of
18 isomers is possible within the specific chemical designation:

19 (1) Alprazolam;

20 (2) Barbital;

21 (3) Bromazepam;

22 (4) Camazepam;

23 (5) Carisoprodol;

24 (6) Chloral betaine;

25 (7) Chloral hydrate;

26 (8) Chlordiazepoxide;

27 (9) Clobazam;

28 (10) Clonazepam;

29 (11) Clorazepate;

30 (12) Clotiazepam;

- 31 (13) Cloxazolam;
- 32 (14) Delorazepam;
- 33 (15) Diazepam;
- 34 (16) Dichloralphenazone;
- 35 (17) Estazolam;
- 36 (18) Ethchlorvynol;
- 37 (19) Ethinamate;
- 38 (20) Ethyl loflazepate;
- 39 (21) Fludiazepam;
- 40 (22) Flunitrazepam;
- 41 (23) Flurazepam;
- 42 (24) Fospropofol;
- 43 (25) Halazepam;
- 44 (26) Haloxazolam;
- 45 (27) Ketazolam;
- 46 (28) Loprazolam;
- 47 (29) Lorazepam;
- 48 (30) Lormetazepam;
- 49 (31) Mebutamate;
- 50 (32) Medazepam;
- 51 (33) Meprobamate;

- 52 (34) Methohexital;
- 53 (35) Methylphenobarbital (mephobarbital);
- 54 (36) Midazolam;
- 55 (37) Nimetazepam;
- 56 (38) Nitrazepam;
- 57 (39) Nordiazepam;
- 58 (40) Oxazepam;
- 59 (41) Oxazolam;
- 60 (42) Paraldehyde;
- 61 (43) Petrichloral;
- 62 (44) Phenobarbital;
- 63 (45) Pinazepam;
- 64 (46) Prazepam;
- 65 (47) Quazepam;
- 66 (48) Temazepam;
- 67 (49) Tetrazepam;
- 68 (50) Triazolam;
- 69 (51) Zaleplon;
- 70 (52) Zolpidem;
- 71 (53) Zopiclone.
- 72 (d) Any material, compound, mixture or preparation which
- 73 contains any quantity of the following substance, including its

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) Fencamfamin;
- 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:

100 (1) Pentazocine;

101 (2) Butorphanol;

102 (3) Tramadol hydrochloride.

103 Amyl nitrite, butyl nitrite, isobutyl nitrite and the other
104 organic nitrites are controlled substances and no product
105 containing these compounds as a significant component shall be
106 possessed, bought or sold other than pursuant to a bona fide
107 prescription or for industrial or manufacturing 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 name,
3 chemical name, or brand name designated, listed in this section.

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

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

14 (2) Not more than 100 milligrams of dihydrocodeine per 100
15 milliliters or per 100 grams;

16 (3) Not more than 100 milligrams of ethylmorphine per 100
17 milliliters or per 100 grams;

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

20 (5) Not more than 100 milligrams of opium per 100
21 milliliters or per 100 grams;

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

24 (c) *Stimulants*. — Unless specifically exempted or excluded
25 or unless listed in another schedule, any material, compound,
26 mixture or preparation which contains any quantity of the
27 following substances having a stimulant effect on the central
28 nervous system, including its salts, isomers and salts of isomers:

29 (1) Pyrovalerone.

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

40 (e) *Depressants*. — Unless specifically exempted or
41 excluded or unless listed in another schedule, any material,
42 compound, mixture or preparation which contains any quantity
43 of the following substances having a depressant effect on the
44 central nervous system, including its salts:

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

47 (2) Lacosamide [(R)-2-acetoamido- *N* -benzyl-3-methoxy-
48 propionamide];

49 (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic
50 acid].

§60A-3-308. Prescriptions.

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

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

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

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

29 (2) If the substance described in subsection (e), section two
30 hundred twelve, article two of this chapter is dispensed, sold or
31 distributed in a pharmacy:

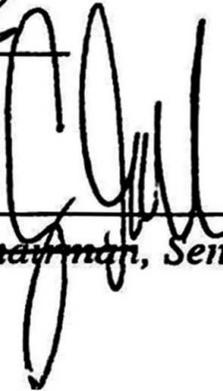
32 (A) The substance shall be dispensed, sold or distributed
33 only by a pharmacist or a pharmacy technician; and

34 (B) Any person purchasing, receiving or otherwise acquiring
35 any such substance shall produce a photographic identification
36 issued by a state or federal governmental entity reflecting his or
37 her date of birth.

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



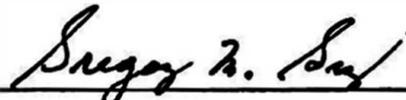
Chairman, House Committee



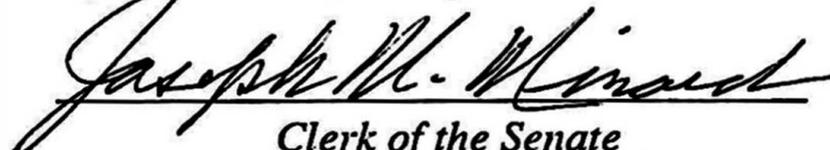
Member — Chairman, Senate Committee

Originating in the House.

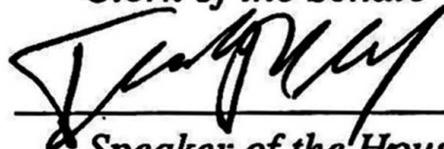
In effect ninety days from passage.



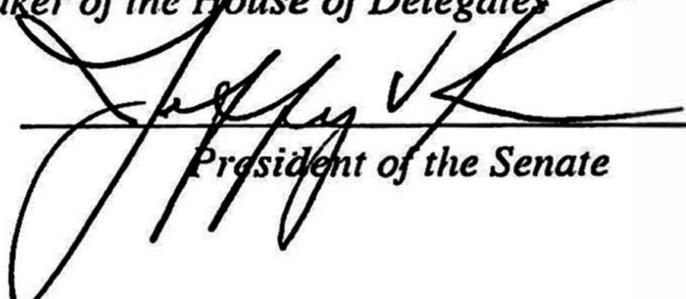
Clerk of the House of Delegates



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

MAR 28 2014

Time 10:45 am