West Virginia Legislature
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Enrolled

Committee Substitute
for
House Bill 2329

By Delegates Rohrbach, Sobonya, Ellington
Upson, Lovejoy, Frich, Canestraro, Isner,
N. Foster, Ward and C. Miller

[Passed April 8, 2017; in effect ninety days from passage.]
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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 of said code; and to amend said code by adding thereto a new section, designated §60A-4-414, all relating to prohibiting the unlawful production, manufacture or possession of fentanyl and fentanyl analogs and derivatives; defining a fentanyl analog or derivative; classifying a fentanyl analog or derivative as a Schedule I drug; classifying additional drugs to Schedule I of uniform controlled substances act; creating a felony offense and imposing criminal penalties for the unlawful manufacture, delivery, possession with intent to manufacture or deliver, and transport into state of fentanyl; defining terms; establishing increased penalties for manufacturing, delivering, possessing with intent to manufacture or deliver, and transporting into state with intent to deliver or manufacture in which fentanyl is a controlled substance involved in the offense; and providing for penalties based upon weight.

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 of said code be amended and reenacted; and that said code be amended by adding thereto a new section, designated §60A-4-414, all to read as follows:

ARTICLE 1. DEFINITIONS.


As used in this act:

(a) "Administer" means the direct application of a controlled substance whether by injection, inhalation, ingestion or any other means to the body of a patient or research subject by:

(1) A practitioner (or, in his or her presence, by his or her authorized agent); or

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

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.
(c) "Analogue" means a substance that, in relation to a controlled substance, has a substantially similar chemical structure.

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

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

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without 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) "Fentanyl analog or derivative" means any substance which has a chemical structure which is substantially similar to the chemical structure of fentanyl, including any of its salts, isomers, or salts of isomers, including any chemical compound or mixture. For purposes of this chapter, the term "fentanyl derivative or analog" includes any fentanyl analog that is not otherwise scheduled in this chapter.

(o) "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.

(p) "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.

(q) "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.

(r) "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.

(s) "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.
(t) "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.

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

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

(w) "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.

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

(y) "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.

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

(aa) "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.
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(bb) "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]—
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]—
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;
(20) Difenoxin;
(21) Dimenoxadol;
(22) Dimepheptanol;
(23) Dimethylthiambutene;
(24) Dioxaphetyl butyrate;
(25) Dipipanone;
(26) Ethylmethylthiambutene;
(27) Etonitazene;
(28) Etoxeridine;
(29) Fentanyl analog or derivative, as that term is defined in article one of this chapter:

Provided, That fentanyl and carfentanil remains a Schedule II substance, as set forth in section two hundred six of this article;
(30) Furethidine;
(31) Hydroxypethidine;
(32) Ketobemidone;
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(33) Levomoramide;

(34) Levophenacylmorphan;

(35) 3-Methylfentanyl \((N-[3\text{-methyl}-1-(2\text{-phenylethyl})-4\text{-piperidyl}]-N\text{-phenylpropanamide})\);

(36) 3-methylthiofentanyl \((N-[3\text{-methyl}-1-(2\text{-thienyl})\text{ethyl}-4\text{-piperidinyl}]-\text{phenylpropanamide})\);

(37) Morpheridine;

(38) MPPP \((1\text{-methyl-4-phenyl-4-propionoxy}piperidine)\);

(39) Noracymethadol;

(40) Norlevorphanol;

(41) Normethadone;

(42) Norpipanone;

(43) Para-fluorofentanyl \((N-(4\text{-fluorophenyl})\text{-N-[1-(2\text{-phenethyl})-4-piperidinyl]}\text{-propanamide})\);

(44) PEPAP \((1\text{-(-2-phenethyl)-4-phenyl-4-acetoxy}piperidine)\);

(45) Phenadoxone;

(46) Phenampromide;

(47) Phenomorphan;

(48) Phenoperidine;

(49) Piritramide;

(50) Proheptazine;

(51) Properidine;

(52) Propiram;

(53) Racemoramide;

(54) Thiofentanyl \((N\text{-phenyl-N-[1-(2-thienyl) Ethyl-4- piperidinyl]}\text{-propanamide})\);

(55) Tilidine;

(56) 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;
20. Nicomorphine;
21. Normorphine;
22. Pholcodine;
(23) Thebacon.

(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)(A) N-(2-Methoxybenzyl)-4-bromo-2, 5-dimethoxyphenethylamine. The substance has the acronym 25B-NBOMe.

(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe).

(C) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25I-NBOMe)

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

(6) 2,5-dimethoxy-4-ethylamphet-amine; some trade or other names: DOET;

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

(8) 4-methoxyamphetamine; some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA;

(9) 5-methoxy-3, 4-methylenedioxy-amphetamine;

(10) 4-methyl-2,5-dimethoxy-amphetamine; some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";
(11) 3,4-methylenedioxy amphetamine;
(12) 3,4-methylenedioxymethamphetamine (MDMA);
(13) 3,4-methylenedioxy-N-ethylamphetamine (also known as – ethyl-alpha-methyl-3,4
(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, MDEA);
(14) N-hydroxy-3,4-methylenedioxymethamphetamine (also known as – hydroxy-alpha-methyl-
3,4 (methylenedioxy) phenethylamine, and – hydroxy MDA);
(15) 3,4,5-trimethoxy amphetamine;
(16) 5-methoxy-N, N-dimethyltryptamine (5-MeO-DMT);
(17) Alpha-methyltryptamine (other name: AMT);
(18) 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;
(19) Diethyltryptamine; some trade and other names: N, N-Diethyltryptamine; DET;
(20) Dimethyltryptamine; some trade or other names: DMT;
(21) 5-Methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT);
(22) 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] indole; Tabernanthe iboga;
(23) Lysergic acid diethylamide;
(24) Marijuana;
(25) Mescaline;
(26) 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;
(27) 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;

(28) N-ethyl-3-piperidyl benzilate;
(29) N-methyl-3-piperidyl benzilate;
(30) Psilocybin;
(31) Psilocyn;
(32) 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).

(33) Ethylamine analog of phencyclidine; some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
(34) Pyrrolidine analog of phencyclidine; some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
(35) Thiophene analog of phencyclidine; some trade or other names: 1-[1-(2-thienyl)cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine; TPCP, TCP;
(36) 1[1-(2-thienyl)cyclohexyl]pyrrolidine; some other names: TCPy.
(37) 4-methylmethcathinone (Mephedrone);
(38) 3,4-methylenedioxyxpyrovalerone (MDPV);
(39) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
(40) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D)
(41) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C)
(42) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I)
(43) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2)
(44) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4)
(45) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)
(46) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N)
(47) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)
(48) 3,4-Methylenedioxy-N-methylcathinone (Methylenone)
(49) (2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7, its optical isomers, salts
and salts of isomers
(50) 5-methoxy-N, N-dimethyltryptamine some trade or other names: 5-methoxy-3-[2-
(dimethylamino)ethyl]indole; 5-MeO-DMT(5-MeO-DMT)
(51) Alpha-methyltryptamine (other name: AMT)
(52) 5-methoxy-N, N-diisopropyltryptamine (other name: 5-MeO-DIPT)
(53) Synthetic Cannabinoids as follows:
(A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5- (2-methyloctan-2-yl) phenol (also known as CP
47,497 and homologues);
(B) rel-2-[(1S,3R)-3-hydroxycyclohexyl] -5-(2-methylnonan-2-yl) phenol {also known as
CP 47,497-C8 homolog};
(C) ([6aR]-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-
tetrahydrobenzo[c]chromen-1-ol}) {also known as HU-210};
(D) (dexanabinol);
(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
tetrahydrobenzo[c]chromen-1-ol) {also known as HU-211};
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(E) 1-Pentyl-3-(1-naphthoyl) indole (also known as JWH-018);
(F) 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073);
(G) (2-methyl-1-propyl-1H-indol-3-yl)-1-napthalenyl-methanone (also known as JWH-015);
(H) (1-hexyl-1H-indol-3-yl)-1-napthalenyl-methanone (also known as JWH-019);
(I) [1-[2-(4-morpholinyl) ethyl] -1H-indol-3-yl]-1-napthalenyl-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-napthalenyl) (1-pentyl-1H-indol-3-yl) -methanone (also known as JWH-122);
(M) (4-methyl-1-napthalenyl) (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-methoxynaphthoyl) indole (JWH-081);
(Q) 1-(5-fluoropentyl)-3-(1-naphthoyl) indole (AM2201); and
(R) 1-(5-fluoropentyl)-3-(2-iodobenzoyl) indole (AM694).

(54) Synthetic cannabinoids or any material, compound, mixture or preparation which contains any quantity of the following substances, including their analogues, congeners, homologues, isomers, salts and salts of analogues, congeners, homologues and isomers, as follows:

(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, (dexanabinol, (6AS,10AS)-9-(hydroxymethyl)-6,6-Dimethyl-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-ylethyl) indol-3-yl)- Naphthalen-1-ylmethanone;
(H) JWH-250, 1-pentyl-3-(2-methoxyphenylacetyl) indole.

(55) 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) Naphthoyl indoles or any compound containing a 3-(-1- Naphthoyl) indole structure with
substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole
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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.

(56) Synthetic Phenethylamines (including their optical, positional, and geometric isomers, salts and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers):

(A) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe/2C-I-
NBOMe);
(B) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe/2C-
C-NBOMe);
(C) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe/2C-B-
B-NBOMe);

(57) Synthetic Opioids (including their isomers, esters, ethers, salts and salts of isomers, esters and ethers):

(A) N-(1-phenethypiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl);
(B) furanyl fentanyl;
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(C) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700);

(D) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl fentanyl);

(E) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide, (beta-hydroxythiofentanyl).

(58) Opioid Receptor Agonist (including its isomers, esters, ethers, salts, and salts of isomers, esters and ethers):

(A) AH-7921 (3,4-dichloro-N-(1dimethylamino)cyclohexylmethyl]benzamide).

(59) Naphylmethylindoles or any compound containing a 1hindol-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.

(60) 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.

(61) Naphthylmethyldiones 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.

(62) Phenylacetylindoles or any compound containing a 3- 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:
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305 (A) RCS-8, SR-18 OR BTM-8;
306 (B) JWH 250;
307 (C) JWH 203;
308 (D) JWH 251;
309 (E) JWH 302.
310 (63) 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:
311 (A) CP 47,497 and its homologues and analogs;
312 (B) Cannabicyclohexanol;
313 (C) CP 55,940.
314 (64) 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:
316 (A) AM 694;
317 (B) Pravadoline WIN 48,098;
318 (C) RCS 4;
319 (D) AM 679.
321 (65) [2,3-dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-DE]-1, 4-benzoxazin-6-YL]-1-naphthalenymethanone. This shall include WIN 55,212-2.
324 (66) 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.
(67) 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.

(68) 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.

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

(70) 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.

(71) Tryptamines:

(A) 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT) 

(B) 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DiPT) 

(C) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-HO-MiPT) 

(D) 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET) 

(E) 4-acetoxy-N,N-diisopropyltryptamine (4-AcO-DiPT) 

(F) 5-methoxy-a-methyltryptamine (5-MeO-AMT) 

(G) 4-methoxy-N,N-Dimethyltryptamine (4-MeO-DMT) 

(H) 4-hydroxy Diethyltryptamine (4-HO-DET) 

(I) 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT) 

(J) 4-acetoxy-N,N-Dimethyltryptamine (4-AcO DMT) 

(K) 4-hydroxy Diethyltryptamine (4-HO-DET)
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(72) \( N\)-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (AB-CHMINACA);

(73) \( N\)-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(74) \( 1\)-(5-fluoropentyl)-1H-indazol-3-yl (naphthalen-1-yl)methanone (THJ-2201);

(75) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22; QUPIC);

(76) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro-PB-22; 5F-PB-22);

(77) \( N\)-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(78) \( N\)-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA); and

(79) \( N\)-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide (common names, MAB-CHMINACA and ADB-CHMINACA);

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

(3) Fenethylamine;

(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-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-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenylethylamine.

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

(9) Substituted amphetamines:

(A) 2-Fluoroamphetamine

(B) 3-Fluoroamphetamine

(C) 4-Fluoroamphetamine

(D) 2-chloroamphetamine

(E) 3-chloroamphetamine

(F) 4-chloroamphetamine

(G) 2-Fluoromethamphetamine

(H) 3-Fluoromethamphetamine

(I) 4-Fluoromethamphetamine

(J) 4-chloromethamphetamine
(10) 4-methyl-N-ethylcathinone (4-MEC);
(11) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP);
(12) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one (butylone);
(13) 2-(methylamino)-1-phenylpentan-1-one (pentedrone);
(14) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one (pentyline);
(15) 4-fluoro-N-methylcathinone (4-FMC);
(16) 3-fluoro-N-methylcathinone (3-FMC);
(17) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one (naphyrone); and
(18) Alpha-pyrrolidinobutiophenone (α-PBP).

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

(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers.
(2) N-[1-(2-thienyl) methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.
(3) N-benzylpiperazine, also known as BZP.

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

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

(A) By substitution in the ring system to any extent with Alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide Substituents whether or not further substituted in the ring system by one or more other univalent substituents.
(B) By substitution at the 3-Position with an acyclic alkyl substituent.
(C) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

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

(2) 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.

ARTICLE 4. OFFENSES AND PENALTIES.

§60A-4-414. Unlawful manufacture, delivery, transport into state, or possession of fentanyl.

(a) For purposes of this section,

(1) "Controlled substance" shall have the same meaning as provided in subsection (e), section one hundred one, article one of this chapter.

(2) "Fentanyl" refers to the substance identified in subdivision (9), subsection (c), section two hundred six, article two of this chapter, and any analog or derivative thereof.

(b) Any person who violates the provisions of subsection (a), section four hundred one of this article or section four hundred nine of this article in which fentanyl is a controlled substance involved in the offense, either alone or in combination with another controlled substance, shall be guilty of a felony, and upon conviction thereof, shall be punished in accordance with the following:

(1) If the net weight of fentanyl involved in the offense is less than one gram, such person shall be imprisoned in a correctional facility not less than two nor more than ten years.

(2) If the net weight of fentanyl involved in the offense is one gram or more but less than five grams, such person shall be imprisoned in a correctional facility not less than three nor more than fifteen years.

(3) If the net weight of fentanyl involved in the offense is five grams or more, such person shall be imprisoned in a correctional facility not less than four nor more than twenty years.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

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 24th day of April 2017.

Governor