

2013 -- H 5063 SUBSTITUTE A AS AMENDED

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

Introduced By: Representatives Corvese, McNamara, O'Brien, Azzinaro, and Malik

Date Introduced: January 10, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28-2.0.8 of the General Laws in Chapter 21-28 entitled
2 "Uniform Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-2.08. Contents of schedules. --** Schedule I

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

6 (b) Opiates. - Unless specifically excepted or unless listed in another schedule, any of
7 the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and
8 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the
9 specific chemical designation:

- 10 (1) Acetylmethadol
11 (2) Allylprodine
12 (3) Alphacetylmethadol
13 (4) Alphameprodine
14 (5) Alphamethadol
15 (6) Benzethidine
16 (7) Betacetylmethadol
17 (8) Betameprodine
18 (9) Betamethadol
19 (10) Betaprodine

- 1 (11) Clonitazene
- 2 (12) Dextromoramide
- 3 (13) Difenoxin
- 4 (14) Diampromide
- 5 (15) Diethylthiambutene
- 6 (16) Dimenoxadol
- 7 (17) Dimepheptanol
- 8 (18) Dimethylthiambutene
- 9 (19) Dioxaphetyl butyrate
- 10 (20) Dipipanone
- 11 (21) Ethylmethylthiambutene
- 12 (22) Etonitazene
- 13 (23) Extoxerdine
- 14 (24) Furethidine
- 15 (25) Hydroxypethidine
- 16 (26) Ketobemidone
- 17 (27) Levomoramide
- 18 (28) Levophenacymorphan
- 19 (29) Morpheridine
- 20 (30) Noracymethadol
- 21 (31) Norlevorphanol
- 22 (32) Normethadone
- 23 (33) Norpipanone
- 24 (34) Phenadoxone
- 25 (35) Phenampromide
- 26 (36) Phenomorphan
- 27 (37) Phenoperidine
- 28 (38) Pir tramide
- 29 (39) Proheptazine
- 30 (40) Properidine
- 31 (41) Propiram
- 32 (42) Racemoramide
- 33 (43) Trimeperidone
- 34 (44) Tilidine

1 (45) Alpha-methylfentanyl

2 (46) Beta-hydroxy-3-methylfentanyl other names:

3 N-[1-(2hydroxy-2-phenethyl)-3-methyl-4piperidingyl] Nphenylpropanamide

4 (c) Opium Derivatives. - Unless specifically excepted or unless listed in another
5 schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever
6 the existence of the salts, isomers, and salts of isomers is possible within the specific chemical
7 designation:

8 (1) Acetorphine

9 (2) Acetyldihydrocodeine

10 (3) Benzylmorphine

11 (4) Codeine methylbromide

12 (5) Codeine-N-Oxide

13 (6) Cyprenorphine

14 (7) Desomorphine

15 (8) Dihydromorphine

16 (9) Etorphine (Except hydrochloride salt)

17 (10) Heroin

18 (11) Hydromorphanol

19 (12) Methyl-desorphine

20 (13) Methylhydromorphine

21 (14) Morphine methylbromide

22 (15) Morphine methylsulfonate

23 (16) Morphine-N-Oxide

24 (17) Myrophine

25 (18) Nococodeine

26 (19) Nicomorphine

27 (20) Normorphine

28 (21) Pholcodine

29 (22) Thebacon

30 (23) Drotebanol

31 (d) Hallucinogenic Substances. - Unless specifically excepted or unless listed in another
32 schedule, any material, compound, mixture, or preparation, which contains any quantity of the
33 following hallucinogenic substances, or which contains any of its salts, isomers, and salts of
34 isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the

1 specific chemical designation (for purposes of this subsection only, the term "isomer" includes
2 the optical, position, and geometric isomers):

3 (1) 3, 4-methylenedioxy amphetamine

4 (2) 5-methoxy-3, 4-methylenedioxy amphetamine

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

6 (4) Bufotenine

7 (5) Diethyltryptamine

8 (6) Dimethyltryptamine

9 (7) 4-methyl 2, 5-dimethoxyamphetamine

10 (8) Ibogaine

11 (9) Lysergic acid diethylamide

12 (10) Marihuana

13 (11) Mescaline

14 (12) Peyote. Meaning all parts of the plant presently classified botanically as
15 *Lophophora Williamsii* Lemair whether growing or not; the seeds of the plant; any extract from
16 any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of
17 the plant, its seeds or extracts.

18 (13) N-ethyl-3-piperidyl benzilate

19 (14) N-methyl-3-piperidyl benzilate

20 (15) Psilocybin

21 (16) Psilocyn

22 (17) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the
23 plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives, and
24 their isomers with similar chemical structure and pharmacological activity such as the following:
25 delta 1 cis or trans tetrahydrocannabinol, and their optical isomers. Delta 6 cis or trans
26 tetrahydrocannabinol and their optical isomers. Delta 3, 4 cis or trans tetrahydrocannabinol and
27 its optical isomer. (Since nomenclature of these substances is not internationally standardized,
28 compounds of these structures, regardless of numerical designation of atomic positions covered).

29 (18) Thiophene analog of phencyclidine. 1-(1-(2 thienyl) cyclo-hexyl) piperidine: 2-
30 Thienyl analog of phencyclidine: TPCP

31 (19) 2,5 dimethoxyamphetamine

32 (20) 4-bromo-2,5-dimethoxyamphetamine, 4-bromo-2,5-dimethoxy-alpha-
33 methylphenethylamine: 4-bromo-2,5-DMA

34 (21) 4-methoxyamphetamine-4-methoxy-alpha-methylphenethylamine:

1 paramethoxyamphetamine: PMA

2 (22) Ethylamine analog of phencyclidine. N-ethyl-1- phenylcyclohexylamine, (1-
3 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE

4 (23) Pyrrolidine analog of phencyclidine. 1-(1-phenylcyclohexyl)- pyrrolidine PCPy, PHP

5 (24) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
6 6,6,9-trimethyl-6H-dibenz o (b,d) pyran: Synhexyl.

7 [\(25\) Salvia Divinorum \(Salvinorin A or Divinorin A\), meaning any extract from any part](#)
8 [of the plant; and any compound, salt derivative, or mixture of the plant or its extracts. This shall](#)
9 [not mean the unaltered plant.](#)

10 [\(26\) Datura stramonium \(jimson weed or datura\), meaning any extract from any part of](#)
11 [the plant; and any compound, salt derivative, or mixture of the plant or its extracts. This shall not](#)
12 [mean the unaltered plant.](#)

13 (e) Depressants. - Unless specifically excepted or unless listed in another schedule, any
14 material, compound, mixture, or preparation which contains any quantity of the following
15 substances having a depressant effect on the central nervous system, including its salts, isomers,
16 and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible
17 within the specific chemical designation:

18 (1) Mecloqualone.

19 (2) Methaqualone.

20 (3) 3-methyl fentanyl (n-(ethyl-1(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide.

21 (4) 3,4-methyl-enedioxymethamphetamine (MDMA), its optical, positional and
22 geometric isomers, salts, and salts of isomers.

23 (5) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and
24 salts of isomers.

25 (6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts
26 and salts of isomers.

27 (7) N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenyl-acetamide (acetyl-alpha-
28 methylfentanyl), its optical isomers, salts and salts of isomers.

29 (8) N-(1-(1-methyl-2(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanami de (alpha-
30 methylthiofentanyl), its optical isomers, salts and salts of isomers.

31 (9) N-(1-benzyl-piperidyl)-N-phenylpropanamide (benzyl-fentanyl), its optical isomers,
32 salts and salts of isomers.

33 (10) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenyl-propanamid e (beta-
34 hydroxyfentanyl), its optical isomers, salts and salts of isomers.

1 (11) N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-
2 hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers.

3 (12) N-(3-methyl)-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (3-
4 methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers.

5 (13) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its
6 optical isomers, salts and salts of isomers.

7 (14) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical
8 isomers, salts and salts of isomers.

9 (15) N-[1-(2-phenylethyl)-4-piperidyl]N-(4-fluorophenyl)-propanamide (para-
10 fluorofentanyl), its optical isomers, salts and salts of isomers.

11 (16) Gamma hydroxybutyrate, HOOC-CH₂-CH₂-CH₂OH, its optical, position, or
12 geometric isomers, salts and salts of isomers.

13 (f) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
14 material, compound, mixture, or preparation which contains any quantity of the following
15 substances having a stimulant effect on the central nervous system, including its salts, isomers,
16 and salts of isomers:

- 17 (1) Fenethylamine
- 18 (2) N-ethylamphetamine
- 19 (3) 4-methyl-N-methylcathinone (Other name: mephedrone)
- 20 (4) 3,4-methylenedioxy-N-methylcathinone (Other name: methylone)
- 21 (5) 3,4-methylenedioxypyrovalerone (Other name: MDPV)

22 (g) Any material, compound, mixture or preparation which contains any quantity of the
23 following substances:

- 24 (1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol (CP-47,497)
- 25 (2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol
26 (cannabicyclohexanol and CP-47,497 c8 homologue)
- 27 (3) 1-Butyl-3-(1-naphthoyl)indole, (JWH-073)
- 28 (4) 1-[2-(4-Morpholinyl)ethyl]3-(1-naphthoyl)indole (JWH-200)
- 29 (5) 1-Pentyl-3-(1-naphthoyl)indole, (JWH-018 and AM678)

30 Schedule II

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

33 (b) Substances, vegetable origin or chemical synthesis. - Unless specifically excepted or
34 unless listed in another schedule, any of the following substances whether produced directly or

1 indirectly by extraction from substances of vegetable origin, or independently by means of
2 chemical synthesis, or by a combination of extraction and chemical synthesis:

3 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
4 opiate excluding naloxone and its salts, and excluding naltrexone and its salts, but including the
5 following:

- 6 (i) Raw opium
- 7 (ii) Opium extracts
- 8 (iii) Opium fluid extracts
- 9 (iv) Powdered opium
- 10 (v) Granulated opium
- 11 (vi) Tincture of opium
- 12 (vii) Etorphine hydrochloride
- 13 (viii) Codeine
- 14 (ix) Ethylmorphine
- 15 (x) Hydrocodone
- 16 (xi) Hydromorphone
- 17 (xii) Metopon
- 18 (xiii) Morphine
- 19 (xiv) Oxycodone
- 20 (xv) Oxymorphone
- 21 (xvi) Thebaine

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

25 (3) Opium poppy and poppy straw.

26 (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
27 any salt, compound, derivative, or preparation which is chemically equivalent or identical with
28 any of these substances, except that the substances shall not include decocainized coca leaves or
29 extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

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

32 (c) Opiates. - Unless specifically excepted or unless listed in another schedule any of the
33 following opiates, including its isomers, esters, ethers, salts; and salts of isomers, esters and,
34 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the

- 1 specific chemical designation:
- 2 (1) Alphaprodine
 - 3 (2) Anileridine
 - 4 (3) Bezitramide
 - 5 (4) Dihydrocodeine
 - 6 (5) Diphenoxylate
 - 7 (6) Fentanyl
 - 8 (7) Isomethadone
 - 9 (8) Levomethorphan
 - 10 (9) Levorphanol
 - 11 (10) Metazocine
 - 12 (11) Methadone
 - 13 (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
 - 14 (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
 - 15 acid
 - 16 (14) Pethidine
 - 17 (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
 - 18 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
 - 19 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
 - 20 (18) Phenaxocine
 - 21 (19) Piminodine
 - 22 (20) Racemethorphan
 - 23 (21) Racemorphan
 - 24 (22) Bulk Dextropropoxyphene (non-dosage forms)
 - 25 (23) Suffentanil
 - 26 (24) Alfentanil
 - 27 (25) Levoalphacetylmethadol
 - 28 (d) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
 - 29 material, compound, mixture, or preparation which contains any quantity of the following
 - 30 substances having a stimulant effect on the central nervous system:
 - 31 (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
 - 32 (2) Methamphetamine, its salts and salts of its isomers.
 - 33 (3) Phenmetrazine and its salts.
 - 34 (4) Methylphenidate.

1 (e) Depressants. - Unless specifically excepted or unless listed in another schedule, any
2 material, compound, mixture, or preparation which contains any quantity of the following
3 substances having a depressant effect on the central nervous system, including its salts, isomers,
4 and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible
5 within the specific chemical designation:

6 (1) Amobarbital

7 (2) Glutethimide

8 (3) Methyprylon

9 (4) Pentobarbital

10 (5) Phencyclidine

11 (6) Secobarbital

12 (7) Phencyclidine immediate precursors:

13 (i) 1-phencyclohexylamine

14 (ii) 1-piperidinocyclohexane-carbonitrile (PCC)

15 (8) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some
16 other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzene ketone.

17 Schedule III

18 (a) Unless specifically excepted or unless listed in another schedule, any material,
19 compound, mixture, or preparation which contains any quantity of the following substances
20 having a depressant effect on the central nervous system:

21 (1) Any substance which contains any quantity of a derivative of barbituric acid, or any
22 salt of a derivative of barbituric acid.

23 (2) Chlorhexadol

24 (3) Lysergic acid

25 (4) Lysergic acid amide

26 (5) Sulfondiethylmethane

27 (6) Sulfonethylmethane

28 (7) Sylfonmethane

29 (8) Any compound, mixture, or preparation containing amobarbital, secobarbital,
30 pentobarbital, or any salt of them and one or more other active medicinal ingredients which are
31 not listed in any schedule.

32 (9) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital or
33 any salt of any of these drugs and approved by the Food and Drug Administration for marketing
34 only as a suppository.

1 (10) Ketamine, its salts, isomers and salts of isomers. (Some other names for ketamine:
2 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).

3 (b) Unless specifically excepted or unless listed in another schedule, any material,
4 compound, mixture, or preparation containing limited quantities of any of the following narcotic
5 drugs, or any salts of them:

6 (1) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
7 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with an equal
8 or greater quantity of an isoquinoline alkaloid of opium.

9 (2) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
10 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with one or
11 more active, nonnarcotic ingredients in recognized therapeutic amounts.

12 (3) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
13 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
14 a fourfold or greater quantity of an isoquinoline alkaloid of opium.

15 (4) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
16 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
17 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

18 (5) Not more than one and eight tenths grams (1.8 gms.) of dihydrocodeine per one
19 hundred milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with
20 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

21 (6) Not more than three hundred milligrams (300 mgs.) of ethylmorphine per one
22 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
23 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

24 (7) Not more than five hundred milligrams (500 mgs.) of opium per one hundred
25 milliliters (100 mls.) or per one hundred grams (100 gms.) or not more than twenty-five
26 milligrams (25 mgs.) per dosage unit, with one or more active nonnarcotic ingredients in
27 recognized therapeutic amounts.

28 (8) Not more than fifty milligrams (50 mgs.) of morphine per one hundred milliliters
29 (100 mls.) per one hundred grams (100 gms.) with one or more active, nonnarcotic ingredients in
30 recognized therapeutic amounts.

31 (c) Stimulants. - Unless specifically excepted or listed in another schedule, any material,
32 compound, mixture, or preparation which contains any quantity of the following substances
33 having a stimulant effect on the central nervous system, including its salts, isomers, and salts of
34 the isomers whenever the existence of the salts of isomers is possible within the specific chemical

1 designation:

2 (1) Benzphetamine

3 (2) Chlorphentermine

4 (3) Clortermine

5 (4) Mazindol

6 (5) Phendimetrazine

7 (d) Steroids and hormones. - Anabolic steroids (AS) or human growth hormone (HGH),
8 excluding those compounds, mixtures, or preparations containing an anabolic steroid that because
9 of its concentration, preparation, mixture or delivery system, has no significant potential for
10 abuse, as published in 21 CFR 1308.34, including, but not limited to, the following:

11 (1) Chorionic gonadotropin

12 (2) Clostebol

13 (3) Dehydrochlormethyltestosterone

14 (4) Ethylestrenol

15 (5) Fluoxymesterone

16 (6) Mesterolone

17 (7) Metenolone

18 (8) Methandienone

19 (9) Methandrostenolone

20 (10) Methyltestosterone

21 (11) Nandrolone decanoate

22 (12) Nandrolone phenpropionate

23 (13) Norethandrolone

24 (14) Oxandrolone

25 (15) Oxymesterone

26 (16) Oxymetholone

27 (17) Stanozolol

28 (18) Testosterone propionate

29 (19) Testosterone-like related compounds

30 (20) Human Growth Hormone (HGH)

31 (e) Hallucinogenic substances.

32 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
33 U.S. Food and Drug Administration approved drug product. (Some other names for dronabinol:
34 (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9- trimethyl-3-pentyl-6H- dibenzo[b,d]pyra n-1-ol,or(-)-

- 1 delta-9(trans)-tetrahydrocannabinol.)
- 2 Schedule IV
- 3 (1) Barbital.
- 4 (2) Chloral betaine
- 5 (3) Chloral hydrate
- 6 (4) Ethchrovynol
- 7 (5) Ethinamate
- 8 (6) Methohexital
- 9 (7) Meprobamate
- 10 (8) Methylphenobarbital
- 11 (9) Paraldehyde
- 12 (10) Petrichloral
- 13 (11) Phenobarbital
- 14 (12) Fenfluramine
- 15 (13) Diethylpropion
- 16 (14) Phentermine
- 17 (15) Pemoline (including organometallic complexes and chelates thereof).
- 18 (16) Chlordiazepoxide
- 19 (17) Clonazepam
- 20 (18) Clorazepate
- 21 (19) Diazepam
- 22 (20) Flurazepam
- 23 (21) Mebutamate
- 24 (22) Oxazepam
- 25 (23) Unless specifically excepted or unless listed in another schedule, any material,
- 26 compound, mixture, or preparation which contains any quantity of the following substances,
- 27 including its salts:
- 28 Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3- methyl-2-
- 29 propronoxybutane).
- 30 (24) Prazepam
- 31 (25) Lorazepam
- 32 (26) Not more than one milligram (1 mg.) of difenoxin and not less than twenty-five (25)
- 33 micrograms of atropine sulfate per dosage unit.
- 34 (27) Pentazocine

- 1 (28) Pipradrol
- 2 (29) SPA (-)-1-dimethylamino-1, 2-diphenylethane
- 3 (30) Temazepam
- 4 (31) Halazepam
- 5 (32) Alprazolam
- 6 (33) Bromazepam
- 7 (34) Camazepam
- 8 (35) Clobazam
- 9 (36) Clotiazepam
- 10 (37) Cloxazolam
- 11 (38) Delorazepam
- 12 (39) Estazolam
- 13 (40) Ethyl Ioflazepate
- 14 (41) Fludizaepam
- 15 (42) Flunitrazepam
- 16 (43) Haloxazolam
- 17 (44) Ketazolam
- 18 (45) Loprazolam
- 19 (46) Lormetazepam
- 20 (47) Medazepam
- 21 (48) Nimetazepam
- 22 (49) Nitrazepam
- 23 (50) Nordiazepam
- 24 (51) Oxazolam
- 25 (52) Pinazepam
- 26 (53) Tetrazepam
- 27 (54) Mazindol
- 28 (55) Triazolam
- 29 (56) Midazolam
- 30 (57) Quazepam
- 31 (58) Butorphanol
- 32 (59) Sibutramine
- 33 Schedule V
- 34 (a) Any compound, mixture, or preparation containing any of the following limited

1 quantities of narcotic drugs, which shall include one or more non-narcotic active medicinal
2 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation
3 valuable medicinal qualities other than those possessed by the narcotic drug alone:

4 (1) Not more than two hundred milligrams (200 mgs.) of codeine per 100 milliliters (100
5 mls.) or per one hundred grams (100 gms.).

6 (2) Not more than one hundred milligrams (100 mgs.) of dihydrocodeine per 100
7 milliliters (100 mls.) or per one hundred grams (100 gms.).

8 (3) Not more than one hundred milligrams (100 mgs.) of ethylmorphine per 100
9 milliliters (100 mls.) or per one hundred grams (100 gms.).

10 (4) Not more than two and five tenths milligrams (2.5 mgs.) of diphenixylate and not less
11 than twenty-five (25) micrograms of atropine sulfate per dosage unit.

12 (5) Not more than one hundred milligrams (100 mgs.) of opium per one hundred
13 milliliters (100 mls.) or per one hundred grams (100 gms.).

14 (b) Not more than five tenths milligrams (0.5 mgs.) of difenoxin and not less than
15 twenty-five (25) micrograms of atropine sulfate per dosage unit.

16 (c) Buprenorphine

17 (d) Unless specifically exempted or excluded or unless listed in another schedule, any
18 material, compound, mixture, or preparation which contains any quantity of the following
19 substances having a stimulant effect on the central nervous system, including its salts, isomers
20 and salts of isomers:

21 (1) Propylhexedrine (except as benzedrex inhaler)

22 (2) Pyrovalerone.

23 SECTION 2. Section 21-28-4.0.1 of the General Laws in Chapter 21-28 entitled
24 "Uniform Controlled Substances Act" is hereby amended to read as follows:

25 **21-28-4.01. Prohibited acts A -- Penalties. [Effective April 1, 2013.]** -- (a) (1) Except
26 as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or
27 possess with intent to manufacture or deliver a controlled substance.

28 (2) Any person who is not a drug addicted person, as defined in section 21-28-1.02(18),
29 who violates this subsection with respect to a controlled substance classified in schedule I or II,
30 except the substance classified as marijuana, is guilty of a crime and upon conviction may be
31 imprisoned to a term up to life, or fined not more than five hundred thousand dollars (\$500,000)
32 nor less than ten thousand dollars (\$10,000), or both.

33 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of
34 death to the person to whom the controlled substance is delivered, it shall not be a defense that

1 the person delivering the substance was at the time of delivery, a drug addicted person as defined
2 in section 21-28-1.02(18).

3 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
4 this subsection with respect to:

5 (i) A controlled substance classified in schedule I or II, is guilty of a crime and upon
6 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
7 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

8 (ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon
9 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
10 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
11 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
12 more than twenty thousand dollars (\$20,000), or both.

13 (iii) A controlled substance classified in schedule V, is guilty of a crime and upon
14 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
15 dollars (\$10,000), or both.

16 (b) (1) Except as authorized by this chapter, it is unlawful for any person to create,
17 deliver, or possess with intent to deliver, a counterfeit substance.

18 (2) Any person who violates this subsection with respect to:

19 (i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon
20 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
21 hundred thousand dollars (\$100,000), or both;

22 (ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon
23 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
24 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
25 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
26 more than twenty thousand dollars (\$20,000) or both.

27 (iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon
28 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
29 dollars (\$10,000), or both.

30 (c) (1) It shall be unlawful for any person knowingly or intentionally to possess a
31 controlled substance, unless the substance was obtained directly from or pursuant to a valid
32 prescription or order of a practitioner while acting in the course of his or her professional
33 practice, or except as otherwise authorized by this chapter.

34 (2) Any person who violates this subsection with respect to:

1 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
2 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for
3 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five
4 thousand dollars (\$5,000), or both;

5 (ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as
6 marijuana is guilty of a misdemeanor except for those persons subject to subdivision 21-28-
7 4.01(a)(1) and upon conviction may be imprisoned for not more than one year or fined not less
8 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

9 (iii) Notwithstanding any public, special or general law to the contrary, the possession of
10 one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older and
11 who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense,
12 rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150)
13 and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or
14 disqualification. Notwithstanding any public, special or general law to the contrary, this civil
15 penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the
16 offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

17 (iv) Notwithstanding any public, special or general law to the contrary, possession of one
18 ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years and
19 who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense,
20 rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150)
21 and forfeiture of the marijuana; provided the minor offender completes an approved drug
22 awareness program and community service as determined by the court. If the person under the
23 age of eighteen (18) years fails to complete an approved drug awareness program and community
24 service within one year of the offense, the penalty shall be a three hundred dollar (\$300) civil fine
25 and forfeiture of the marijuana, except that if no drug awareness program or community service is
26 available, the penalty shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the
27 marijuana. The parents or legal guardian of any offender under the age of eighteen (18) shall be
28 notified of the offense and the availability of a drug awareness and community service program.
29 The drug awareness program must be approved by the court, but shall, at a minimum, provide
30 four (4) hours of instruction or group discussion, and ten (10) hours of community service.
31 Notwithstanding any other public, special or general law to the contrary, this civil penalty shall
32 apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18)
33 months.

34 (v) Notwithstanding any public, special, or general law to the contrary, a person not

1 exempted from penalties pursuant to chapter 21-28.6 found in possession of one ounce (1 oz.) or
2 less of marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not
3 more than thirty (30) days or fined not less than two hundred dollars (\$200) nor more than five
4 hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for
5 possession of less than one ounce (1 oz.) of marijuana under subparagraphs 21-28-4.01(c)(2)(iii)
6 or 21-28-4.01(c)(2)(iv) two (2) times in the eighteen (18) months prior to the third (3rd) offense.

7 (vi) Any unpaid civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-
8 4.01(c)(2)(iv) shall double to three hundred dollars (\$300) if not paid within thirty (30) days of
9 the offense. The civil fine shall double again to six hundred dollars (\$600) if it has not been paid
10 within ninety (90) days.

11 (vii) No person may be arrested for a violation of subparagraphs 21-28-4.01(c)(2)(iii) or
12 21-28-4.01(c)(2)(iv) except as provided in this subparagraph. Any person in possession of an
13 identification card, license, or other form of identification issued by the state or any state, city or
14 town, or any college or university, who fails to produce the same upon request of a police officer
15 who informs the person that he or she has been found in possession of what appears to the officer
16 to be one ounce (1 oz.) or less of marijuana, or any person without any such forms of
17 identification that fails or refuses to truthfully provide his or her name, address, and date of birth
18 to a police officer who has informed such person that the officer intends to provide such
19 individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be
20 arrested.

21 (viii) No violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be
22 considered a violation of parole or probation.

23 (ix) Any records collected by any state agency or tribunal that include personally
24 identifiable information about violations of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-
25 4.01(c)(2)(iv) shall be sealed eighteen (18) months after the payment of said civil fine.

26 (3) Jurisdiction. - Any and all violations of subparagraphs 21-28-4.01(c)(2)(iii) and 21-
27 28-4.01(c)(2)(iv) shall be the exclusive jurisdiction of the Rhode Island traffic tribunal. All
28 money associated with the civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-
29 4.01(c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines
30 collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to
31 subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be expended on drug awareness
32 and treatment programs for youth.

33 (4) Additionally every person convicted or who pleads nolo contendere under paragraph
34 (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time

1 under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to
2 serve for the offense, shall be required to:

3 (i) Perform, up to one hundred (100) hours of community service;

4 (ii) Attend and complete a drug counseling and education program as prescribed by the
5 director of the department of mental health, retardation and hospitals and pay the sum of four
6 hundred dollars (\$400) to help defray the costs of this program which shall be deposited as
7 general revenues. Failure to attend may result after hearing by the court in jail sentence up to one
8 year;

9 (iii) The court shall not suspend any part or all of the imposition of the fee required by
10 this subsection, unless the court finds an inability to pay;

11 (iv) If the offense involves the use of any automobile to transport the substance or the
12 substance is found within an automobile, then a person convicted or who pleads nolo contendere
13 under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period
14 of six (6) months for a first offense and one year for each offense after this.

15 (5) All fees assessed and collected pursuant to paragraph (3)(ii) of this subsection shall
16 be deposited as general revenues and shall be collected from the person convicted or who pleads
17 nolo contendere before any other fines authorized by this chapter.

18 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent
19 to manufacture or distribute, an imitation controlled substance. Any person who violates this
20 subsection is guilty of a crime, and upon conviction shall be subject to the same term of
21 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
22 controlled substance which the particular imitation controlled substance forming the basis of the
23 prosecution was designed to resemble and/or represented to be; but in no case shall the
24 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
25 (\$20,000).

26 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
27 anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport,
28 or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight
29 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
30 and upon conviction may be imprisoned for not more than six (6) months or a fine of not more
31 than one thousand dollars (\$1,000), or both.

32 (f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
33 distribute, or possess with intent to manufacture or distribute any extract, compound, salt
34 derivative, or mixture of salvia divinorum or datura stramonium or its extracts, unless the person

1 is exempt pursuant to the provisions of section 21-28-3.30. Notwithstanding any laws to the
2 contrary, any person who violates this section is guilty of a misdemeanor, and, upon conviction,
3 may be imprisoned for not more than one year, or fined not more than one thousand dollars
4 (\$1,000), or both. The provisions of this section shall not apply to licensed physicians,
5 pharmacists, and accredited hospitals and teaching facilities engaged in the research or study of
6 salvia divinorum or datura stramonium, and shall not apply to any person participating in clinical
7 trials involving the use of salvia divinorum or datura stramonium.

8 SECTION 3. This act shall take effect upon passage.

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LC00046/SUB A/2
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

1 This act would add the hallucinogenic drugs Salvia Divinorum (Salvinorin A or
2 Divinorin A), Datura stramonium (gypsum weed or jimson weed) and synthetic cannabinoids
3 (synthetic marijuana) to the Rhode Island Controlled Substances Act Schedule 1, the misuse of
4 which may result in the requisite criminal penalties for abuse.

5 This act would take effect upon passage.

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LC00046/SUB A/2
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