

2013 -- S 0454 SUBSTITUTE A

=====
LC01023/SUB A
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators Archambault, Cote, Lombardi, Conley, and Doyle

Date Introduced: February 28, 2013

Referred To: Senate Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 21-28-1.02 and 21-28-2.08 of the General Laws in Chapter 21-28
2 entitled "Uniform Controlled Substances Act" are hereby amended to read as follows:

3 **21-28-1.02. Definitions.** -- Unless the context otherwise requires, the words and phrases
4 as defined in this section are used in this chapter in the sense given them in the following
5 definitions:

6 (1) "Administer" refers to the direct application of controlled substances to the body of a
7 patient or research subject by:

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

9 (ii) The patient or research subject at the direction and in the presence of the practitioner
10 whether the application is by injection, inhalation, ingestion, or any other means.

11 (2) "Agent" means an authorized person who acts on behalf of or at the direction of a
12 manufacturer, wholesaler, distributor, or dispenser; except that these terms do not include a
13 common or contract carrier or warehouse operator, when acting in the usual and lawful course of
14 the carrier's or warehouse operator's business.

15 (3) "Apothecary" means a registered pharmacist as defined by the laws of this state and,
16 where the context requires, the owner of a licensed pharmacy or other place of business where
17 controlled substances are compounded or dispensed by a registered pharmacist; and includes
18 registered assistant pharmacists as defined by existing law, but nothing in this chapter shall be
19 construed as conferring on a person who is not registered as a pharmacist any authority, right, or

1 privilege that is not granted to him or her by the pharmacy laws of the state.

2 (4) "Automated data processing system" means a system utilizing computer software and
3 hardware for the purposes of record keeping.

4 (5) "Computer" means programmable electronic device capable of multi-functions,
5 including, but not limited to, storage, retrieval, and processing of information.

6 (6) "Control" means to add a drug or other substance or immediate precursor to a
7 schedule under this chapter, whether by transfer from another schedule or otherwise.

8 (7) "Controlled substance" means a drug, substance, ~~or~~ immediate precursor, or synthetic
9 drug in schedules I -- V of this chapter. The term shall not include distilled spirits, wine, or malt
10 beverages, as those terms are defined or used in chapter 1 of title 3, nor tobacco.

11 (8) "Counterfeit substance" means a controlled substance which, or the container or
12 labeling of which, without authorization bears the trademark, trade name, or other identifying
13 mark, imprint, number, or device, or any likeness of them, of a manufacturer, distributor, or
14 dispenser, other than the person or persons who in fact manufactured, distributed, or dispensed
15 the substance and which thereby falsely purports or is represented to be the product of, or to have
16 been distributed by, the other manufacturer, distributor, or dispenser, or which substance is
17 falsely purported to be or represented to be one of the controlled substances by a manufacturer,
18 distributor, or dispenser.

19 (9) "CRT" means cathode ray tube used to impose visual information on a screen.

20 (10) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
21 controlled substance or imitation controlled substance, whether or not there exists an agency
22 relationship.

23 (11) "Department" means the department of health of this state.

24 (12) "Depressant or stimulant drug" means:

25 (i) A drug which contains any quantity of:

26 (A) Barbituric acid or derivatives, compounds, mixtures, or preparations of barbituric
27 acid; and

28 (B) "Barbiturate" or "barbiturates" includes all hypnotic and/or somnifacient drugs,
29 whether or not derivatives of barbituric acid, except that this definition shall not include bromides
30 and narcotics.

31 (ii) A drug which contains any quantity of:

32 (A) Amphetamine or any of its optical isomers;

33 (B) Any salt of amphetamine and/or desoxyephedrine or any salt of an optical isomer of
34 amphetamine and/or desoxyephedrine, or any compound, mixture, or preparation of them.

1 (iii) A drug which contains any quantity of coca leaves. "Coca leaves" includes cocaine,
2 or any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except
3 derivatives of coca leaves, which do not contain cocaine, ecgonine, or substance from which
4 cocaine or ecgonine may be synthesized or made.

5 (iv) Any other drug or substance which contains any quantity of a substance which the
6 attorney general of the United States, or the director of health, after investigation, has found to
7 have, or by regulation designates as having, a potential for abuse because of its depressant or
8 stimulant effect on the central nervous system.

9 (13) "Director" means the director of health.

10 (14) "Dispense" means to deliver, distribute, leave with, give away, or dispose of a
11 controlled substance to the ultimate user or human research subject by or pursuant to the lawful
12 order of a practitioner, including the packaging, labeling, or compounding necessary to prepare
13 the substance for that delivery.

14 (15) "Dispenser" is a practitioner who delivers a controlled substance to the ultimate user
15 or human research subject.

16 (16) "Distribute" means to deliver (other than by administering or dispensing) a
17 controlled substance or an imitation controlled substance and includes actual constructive, or
18 attempted transfer. "Distributor" means a person who so delivers a controlled substance or an
19 imitation controlled substance.

20 (17) "Downtime" means that period of time when a computer is not operable.

21 (18) "Drug addicted person" means a person who exhibits a maladaptive pattern of
22 behavior resulting from drug use, including one or more of the following: impaired control over
23 drug use; compulsive use; and/or continued use despite harm, and craving.

24 (19) "Drug Enforcement Administration" means the Drug Enforcement Administration
25 United States Department of Justice or its successor.

26 (20) "Federal law" means the Comprehensive Drug Abuse Prevention and Control Act of
27 1970, (84 stat. 1236)(see generally 21 U.S.C. section 801 et seq.), and all regulations pertaining to
28 that federal act.

29 (21) "Hardware" means the fixed component parts of a computer.

30 (22) "Hospital" means an institution as defined in chapter 17 of title 23.

31 (23) "Imitation controlled substance" means a substance that is not a controlled
32 substance, which by dosage unit, appearance (including color, shape, size, and markings), or by
33 representations made, would lead a reasonable person to believe that the substance is a controlled
34 substance and, which imitation controlled substances contain substances which if ingested, could

1 be injurious to the health of a person. In those cases when the appearance of the dosage unit is not
2 reasonably sufficient to establish that the substance is an "imitation controlled substance" (for
3 example in the case of powder or liquid), the court or authority concerned should consider, in
4 addition to all other logically relevant factors, the following factors as related to "representations
5 made" in determining whether the substance is an "imitation controlled substance":

6 (i) Statement made by an owner, possessor, transferor, recipient, or by anyone else in
7 control of the substance concerning the nature of the substance, or its use or effect.

8 (ii) Statements made by the owner, possessor, or transferor, to the recipient that the
9 substance may be resold for substantial profit.

10 (iii) Whether the substance is packaged in a manner reasonably similar to packaging of
11 illicit controlled substances.

12 (iv) Whether the distribution or attempted distribution included an exchange of or
13 demand for money or other property as consideration, and whether the amount of the
14 consideration was substantially greater than the reasonable value of the non-controlled substance.

15 (24) "Immediate precursor" means a substance:

16 (i) Which the director of health has found to be and by regulation designated as being the
17 principal compound used, or produced primarily for use, in the manufacture of a controlled
18 substance;

19 (ii) Which is an immediate chemical intermediary used or likely to be used in the
20 manufacture of those controlled substances; and

21 (iii) The control of which is necessary to prevent, curtail, or limit the manufacture of that
22 controlled substance.

23 (25) "Laboratory" means a laboratory approved by the department of health as proper to
24 be entrusted with controlled substances and the use of controlled substances for scientific and
25 medical purposes and for the purposes of instruction.

26 (26) "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not;
27 the seeds of the plant; the resin extracted from any part of the plant; and every compound,
28 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, but shall not
29 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the
30 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of
31 mature stalks, (except the resin extracted from it), fiber, oil or cake, or the sterilized seed from the
32 plant which is incapable of germination.

33 (27) "Manufacture" means the production, preparation, propagation, cultivation,
34 compounding, or processing of a drug or other substance, including an imitation controlled

1 substance, either directly or indirectly or by extraction from substances of natural origin, or
2 independently by means of chemical synthesis or by a combination of extraction and chemical
3 synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of
4 its container in conformity with the general laws of this state except by a practitioner as an
5 incident to his or her administration or dispensing of the drug or substance in the course of his or
6 her professional practice.

7 (28) "Manufacturer" means a person who manufactures but does not include an
8 apothecary who compounds controlled substances to be sold or dispensed on prescriptions.

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

12 (i) Opium and opiates.

13 (ii) A compound, manufacture, salt, derivative, or preparation of opium or opiates.

14 (iii) A substance (and any compound, manufacture, salt, derivative, or preparation of it)
15 which is chemically identical with any of the substances referred to in paragraphs (i) and (ii) of
16 this subdivision.

17 (iv) Any other substance which the attorney general of the United States, or his or her
18 successor, or the director of health, after investigation, has found to have, and by regulation
19 designates as having, a potential for abuse similar to opium and opiates.

20 (30) "Official written order" means an order written on a form provided for that purpose
21 by the Drug Enforcement Administration under any laws of the United States making provision
22 for an official form, if order forms are authorized and required by federal law, and if no order
23 form is provided then on an official form provided for that purpose by the director of health.

24 (31) "Opiate" means any substance having an addiction-forming or addiction-sustaining
25 liability similar to morphine or being capable of conversion into a drug having addiction-forming
26 or addiction-sustaining liability.

27 (32) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
28 seeds of the plant.

29 (33) "Ounce" means an avoirdupois ounce as applied to solids and semi-solids, and a
30 fluid ounce as applied to liquids.

31 (34) "Person" means any corporation, association, partnership, or one or more
32 individuals.

33 (35) "Physical dependence" means a state of adaptation that is manifested by a drug class
34 specific withdrawal syndrome that can be produced by abrupt cessation, rapid dose reduction,

1 decreasing blood level of the drug, and/or administration of an antagonist.

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

3 (37) "Practitioner" means:

4 (i) A physician, osteopath, dentist, chiropractist, veterinarian, scientific investigator, or
5 other person licensed, registered or permitted to distribute, dispense, conduct research with
6 respect to or to administer a controlled substance in the course of professional practice or research
7 in this state.

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

11 (38) "Printout" means a hard copy produced by computer that is readable without the aid
12 of any special device.

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

15 (40) "Researcher" means a person authorized by the director of health to conduct a
16 laboratory as defined in this chapter.

17 (41) "Sell" includes sale, barter, gift, transfer, or delivery in any manner to another, or to
18 offer or agree to do the same.

19 (42) "Software" means programs, procedures and storage of required information data.

20 [\(43\) "Synthetic drugs" means any synthetic cannabinoids or piperazines or any synthetic](#)
21 [cathinones as provided for in schedule I.](#)

22 ~~(44)~~(43) "Ultimate user" means a person who lawfully possesses a controlled substance
23 for his or her own use or for the use of a member of his or her household, or for administering to
24 an animal owned by him or her or by a member of his or her household.

25 ~~(45)~~(44) "Wholesaler" means a person who sells, vends, or distributes at wholesale, or as
26 a jobber, broker agent, or distributor, or for resale in any manner in this state any controlled
27 substance.

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

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

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

- 1 (1) Acetylmethadol
- 2 (2) Allylprodine
- 3 (3) Alphacetylmethadol
- 4 (4) Alphameprodine
- 5 (5) Alphamethadol
- 6 (6) Benzethidine
- 7 (7) Betacetylmethadol
- 8 (8) Betameprodine
- 9 (9) Betamethadol
- 10 (10) Betaprodine
- 11 (11) Clonitazene
- 12 (12) Dextromoramide
- 13 (13) Difenoxin
- 14 (14) Diampromide
- 15 (15) Diethylthiambutene
- 16 (16) Dimenoxadol
- 17 (17) Dimepheptanol
- 18 (18) Dimethylthiambutene
- 19 (19) Dioxaphetyl butyrate
- 20 (20) Dipipanone
- 21 (21) Ethylmethylthiambutene
- 22 (22) Etonitazene
- 23 (23) Extoxerdine
- 24 (24) Furethidine
- 25 (25) Hydroxypethidine
- 26 (26) Ketobemidone
- 27 (27) Levomoramide
- 28 (28) Levophenacymorphan
- 29 (29) Morpheridine
- 30 (30) Noracymethadol
- 31 (31) Norlevorphanol
- 32 (32) Normethadone
- 33 (33) Norpipanone
- 34 (34) Phenadoxone

- 1 (35) Phenampromide
- 2 (36) Phenomorphan
- 3 (37) Phenoperidine
- 4 (38) Piritramide
- 5 (39) Proheptazine
- 6 (40) Properidine
- 7 (41) Propiram
- 8 (42) Racemoramide
- 9 (43) Trimeperidone
- 10 (44) Tilidine
- 11 (45) Alpha-methylfentanyl
- 12 (46) Beta-hydroxy-3-methylfentanyl other names:
13 N-[1-(2hydroxy-2-phenethyl)-3-methyl-4piperidingyl] Nphenylpropanamide
- 14 (c) Opium Derivatives. - Unless specifically excepted or unless listed in another
15 schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever
16 the existence of the salts, isomers, and salts of isomers is possible within the specific chemical
17 designation:
 - 18 (1) Acetorphine
 - 19 (2) Acetyldihydrocodeine
 - 20 (3) Benzylmorphine
 - 21 (4) Codeine methylbromide
 - 22 (5) Codeine-N-Oxide
 - 23 (6) Cyprenorphine
 - 24 (7) Desomorphine
 - 25 (8) Dihydromorphine
 - 26 (9) Etorphine (Except hydrochloride salt)
 - 27 (10) Heroin
 - 28 (11) Hydromorphanol
 - 29 (12) Methyl-desorphine
 - 30 (13) Methylhydromorphine
 - 31 (14) Morphine methylbromide
 - 32 (15) Morphine methylsulfonate
 - 33 (16) Morphine-N-Oxide
 - 34 (17) Myrophine

1 (18) Nococodeine

2 (19) Nicomorphine

3 (20) Normorphine

4 (21) Pholcodine

5 (22) Thebacon

6 (23) Drotebanol

7 (d) Hallucinogenic Substances. - Unless specifically excepted or unless listed in another
8 schedule, any material, compound, mixture, or preparation, which contains any quantity of the
9 following hallucinogenic substances, or which contains any of its salts, isomers, and salts of
10 isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the
11 specific chemical designation (for purposes of this subsection only, the term "isomer" includes
12 the optical, position, and geometric isomers):

13 (1) 3, 4-methylenedioxy amphetamine

14 (2) 5-methoxy-3, 4-methylenedioxy amphetamine

15 (3) 3, 4, 5-trimethoxy amphetamine

16 (4) Bufotenine

17 (5) Diethyltryptamine

18 (6) Dimethyltryptamine

19 (7) 4-methyl 2, 5-dimethoxyamphetamine

20 (8) Ibogaine

21 (9) Lysergic acid diethylamide

22 (10) Marihuana

23 (11) Mescaline

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

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

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

30 (15) Psilocybin

31 (16) Psilocyn

32 (17) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the
33 plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and
34 their isomers with similar chemical structure and pharmacological activity such as the following:

1 delta 1 cis or trans tetrahydrocannabinol, and their optical isomers. Delta 6 cis or trans
2 tetrahydrocannabinol and their optical isomers. Delta 3, 4 cis or trans tetrahydrocannabinol and
3 its optical isomer. (Since nomenclature of these substances is not internationally standardized,
4 compounds of these structures, regardless of numerical designation of atomic positions covered).

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

7 (19) 2,5 dimethoxyamphetamine

8 (20) 4-bromo-2,5-dimethoxyamphetamine, 4-bromo-2,5-dimethoxy-alpha-
9 methylphenethylamine: 4-bromo-2,5-DMA

10 (21) 4-methoxyamphetamine-4-methoxy-alpha-methylphenethylamine:
11 paramethoxyamphetamine: PMA

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

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

15 (24) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
16 6,6,9-trimethyl-6H-dibenz o (b,d) pyran: Synhexyl.

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

22 (1) Mecloqualone.

23 (2) Methaqualone.

24 (3) 3-methyl fentanyl (n-(ethyl-1(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide.

25 (4) 3,4-methyl-enedioxymethamphetamine (MDMA), its optical, positional and
26 geometric isomers, salts, and salts of isomers.

27 (5) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and
28 salts of isomers.

29 (6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts
30 and salts of isomers.

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

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

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

3 (10) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-
4 hydroxyfentanyl), its optical isomers, salts and salts of isomers.

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

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

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

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

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

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

17 (f) Stimulants. - Unless specifically excepted 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) Fenethylamine

22 (2) N-ethylamphetamine

23 (3) 4-methyl-N-methylcathinone (Other name: mephedrone)

24 (4) 3,4-methylenedioxy-N-methylcathinone (Other name: methylone)

25 (5) 3,4-methylenedioxypyrovalerone (Other name: MDPV)

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

28 (1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol (CP-47,497)

29 (2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol
30 (cannabicyclohexanol and CP-47,497 c8 homologue)

31 (3) 1-Butyl-3-(1-naphthoyl)indole, (JWH-073)

32 (4) 1-[2-(4-Morpholinyl)ethyl]3-(1-naphthoyl)indole (JWH-200)

33 (5) 1-Pentyl-3-(1-naphthoyl)indole, (JWH-018 and AM678)

34 [\(h\) Synthetic cannabinoids or piperazines. Unless specifically excepted, any chemical](#)

1 compound which is not approved by the United States Food and Drug Administration or, if
2 approved, which is not dispensed or possessed in accordance with state and federal law, that
3 contains Benzylpiperazine (BZP); Trifluoromethylphenylpiperazine (TFMPP); 1,1-
4 Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-naphthoyl)indole; 1-
5 Pentyl-3-(1-naphthoyl)indole; dexanabinol (HU-211); or any compound in the following
6 structural classes:

7 (1) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with
8 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
9 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
10 group, whether or not further substituted in the indole ring to any extent and whether or not
11 substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not
12 limited, to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, and AM-
13 2201;

14 (2) Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with
15 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
16 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
17 group whether or not further substituted in the indole ring to any extent and whether or not
18 substituted in the phenyl ring to any extent. Examples of this structural class include, but are not
19 limited to, JWH-167, JWH-250, JWH-251, and RCS-8;

20 (3) Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with
21 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,
22 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
23 group whether or not further substituted in the indole ring to any extent and whether or not
24 substituted in the phenyl ring to any extent. Examples of this structural class include, but are not
25 limited, to AM-630, AM-2233, AM-694, Pravadoline (WIN 48,098), and RCS-4;

26 (4) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol
27 structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl,
28 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
29 group whether or not substituted in the cyclohexyl ring to any extent. Examples of this structural
30 class include, but are not limited to, CP 47,497 and its C8 homologue (cannabicyclohexanol);

31 (5) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-
32 naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl,
33 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-
34 morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and

1 whether or not substituted in the naphthyl ring to any extent. Examples of this structural class
2 include, but are not limited to, JWH-175, JWH-184, and JWH-185;

3 (6) Naphthoylpyrroles: Any compound containing a 3-(1-naphthoyl)pyrrole structure
4 with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl,
5 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
6 group whether or not further substituted in the pyrrole ring to any extent and whether or not
7 substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not
8 limited, to JWH-030, JWH-145, JWH-146, JWH-307, and JWH-368;

9 (7) Naphthylmethylenes: Any compound containing a 1-(1-naphthylmethyl)indene
10 structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
11 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl
12 group whether or not further substituted in the indene ring to any extent and whether or not
13 substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not
14 limited to, JWH-176; or

15 (8) Any other synthetic cannabinoid or piperazine which is not approved by the United
16 States Food and Drug Administration or, if approved, which is not dispensed or possessed in
17 accordance with state and federal law;

18 (i) Synthetic cathinones. Unless specifically excepted, any chemical compound which is
19 not approved by the United States Food and Drug Administration or, if approved, which is not
20 dispensed or possessed in accordance with state and federal law, not including bupropion,
21 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either
22 phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in
23 one or more of the following ways:

24 (1) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
25 haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system
26 by one or more other univalent substituents. Examples of this class include, but are not limited to,
27 3,4-Methylenedioxcathinone (bk-MDA);

28 (2) By substitution at the 3-position with an acyclic alkyl substituent. Examples of this
29 class include, but are not limited to, 2-methylamino-1-phenylbutan-1-one (buphedrone);

30 (3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
31 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.
32 Examples of this class include, but are not limited to, Dimethylcathinone, Ethcathinone, and α -
33 Pyrrolidinopropiophenone (α -PPP); or

34 (4) Any other synthetic cathinone which is not approved by the United States Food and

1 [Drug Administration or, if approved, is not dispensed or possessed in accordance with state or](#)
2 [federal law;](#)

3 Schedule II

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

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

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

- 13 (i) Raw opium
- 14 (ii) Opium extracts
- 15 (iii) Opium fluid extracts
- 16 (iv) Powdered opium
- 17 (v) Granulated opium
- 18 (vi) Tincture of opium
- 19 (vii) Etorphine hydrochloride
- 20 (viii) Codeine
- 21 (ix) Ethylmorphine
- 22 (x) Hydrocodone
- 23 (xi) Hydromorphone
- 24 (xii) Metopon
- 25 (xiii) Morphine
- 26 (xiv) Oxycodone
- 27 (xv) Oxymorphone
- 28 (xvi) Thebaine

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

32 (3) Opium poppy and poppy straw.

33 (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
34 any salt, compound, derivative, or preparation which is chemically equivalent or identical with

1 any of these substances, except that the substances shall not include decocainized coca leaves or
2 extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

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

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

- 9 (1) Alphaprodine
- 10 (2) Anileridine
- 11 (3) Bezitramide
- 12 (4) Dihydrocodeine
- 13 (5) Diphenoxylate
- 14 (6) Fentanyl
- 15 (7) Isomethadone
- 16 (8) Levomethorphan
- 17 (9) Levorphanol
- 18 (10) Metazocine
- 19 (11) Methadone
- 20 (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 21 (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
22 acid
- 23 (14) Pethidine
- 24 (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- 25 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 26 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 27 (18) Phenaxocine
- 28 (19) Piminodine
- 29 (20) Racemethorphan
- 30 (21) Racemorphan
- 31 (22) Bulk Dextropropoxyphene (non-dosage forms)
- 32 (23) Suffentanil
- 33 (24) Alfentanil
- 34 (25) Levoalphacetylmethadol

1 (d) Stimulants. - 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 stimulant effect on the central nervous system:

4 (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

5 (2) Methamphetamine, its salts and salts of its isomers.

6 (3) Phenmetrazine and its salts.

7 (4) Methylphenidate.

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

13 (1) Amobarbital

14 (2) Glutethimide

15 (3) Methyprylon

16 (4) Pentobarbital

17 (5) Phencyclidine

18 (6) Secobarbital

19 (7) Phencyclidine immediate precursors:

20 (i) 1-phencyclohexylamine

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

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

24 Schedule III

25 (a) 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 having a depressant effect on the central nervous system:

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

30 (2) Chlorhexadol

31 (3) Lysergic acid

32 (4) Lysergic acid amide

33 (5) Sulfondiethylmethane

34 (6) Sulfonethylmethane

1 (7) Sylfonmethane

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

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

8 (10) Ketamine, its salts, isomers and salts of isomers. (Some other names for ketamine:
9 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).

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

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

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

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

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

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

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

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

1 (8) Not more than fifty milligrams (50 mgs.) of morphine per one hundred milliliters
2 (100 mls.) per one hundred grams (100 gms.) with one or more active, nonnarcotic ingredients in
3 recognized therapeutic amounts.

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

9 (1) Benzphetamine

10 (2) Chlorphentermine

11 (3) Clortermine

12 (4) Mazindol

13 (5) Phendimetrazine

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

18 (1) Chlorionic gonadotropin

19 (2) Clostebol

20 (3) Dehydrochlormethyltestosterone

21 (4) Ethylestrenol

22 (5) Fluoxymesterone

23 (6) Mesterolone

24 (7) Metenolone

25 (8) Methandienone

26 (9) Methandrostenolone

27 (10) Methyltestosterone

28 (11) Nandrolone decanoate

29 (12) Nandrolone phenpropionate

30 (13) Norethandrolone

31 (14) Oxandrolone

32 (15) Oxymesterone

33 (16) Oxymetholone

34 (17) Stanozolol

- 1 (18) Testosterone propionate
2 (19) Testosterone-like related compounds
3 (20) Human Growth Hormone (HGH)
4 (e) Hallucinogenic substances.
5 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
6 U.S. Food and Drug Administration approved drug product. (Some other names for dronabinol:
7 (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9- trimethyl-3-pentyl-6H- dibenzo[b,d]pyra n-1-ol,or(-)-
8 delta-9(trans)-tetrahydrocannabinol.)

9 Schedule IV

- 10 (1) Barbital.
11 (2) Chloral betaine
12 (3) Chloral hydrate
13 (4) Ethchrovynol
14 (5) Ethinamate
15 (6) Methohexital
16 (7) Meprobamate
17 (8) Methylphenobarbital
18 (9) Paraldehyde
19 (10) Petrichloral
20 (11) Phenobarbital
21 (12) Fenfluramine
22 (13) Diethylpropion
23 (14) Phentermine
24 (15) Pemoline (including organometallic complexes and chelates thereof).
25 (16) Chlordiazepoxide
26 (17) Clonazepam
27 (18) Clorazepate
28 (19) Diazepam
29 (20) Flurazepam
30 (21) Mebutamate
31 (22) Oxazepam
32 (23) Unless specifically excepted or unless listed in another schedule, any material,
33 compound, mixture, or preparation which contains any quantity of the following substances,
34 including its salts:

- 1 Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3- methyl-2-
2 propronoxybutane).
- 3 (24) Prazepam
- 4 (25) Lorazepam
- 5 (26) Not more than one milligram (1 mg.) of difenoxin and not less than twenty-five (25)
6 micrograms of atropine sulfate per dosage unit.
- 7 (27) Pentazocine
- 8 (28) Pipradrol
- 9 (29) SPA (-)-1-dimethylamino-1, 2-diphenylethane
- 10 (30) Temazepam
- 11 (31) Halazepam
- 12 (32) Alprazolam
- 13 (33) Bromazepam
- 14 (34) Camazepam
- 15 (35) Clobazam
- 16 (36) Clotiazepam
- 17 (37) Cloxazolam
- 18 (38) Delorazepam
- 19 (39) Estazolam
- 20 (40) Ethyl Ioflazepate
- 21 (41) Fludizaepam
- 22 (42) Flunitrazepam
- 23 (43) Haloxazolam
- 24 (44) Ketazolam
- 25 (45) Loprazolam
- 26 (46) Lormetazepam
- 27 (47) Medazepam
- 28 (48) Nimetazepam
- 29 (49) Nitrazepam
- 30 (50) Nordiazepam
- 31 (51) Oxazolam
- 32 (52) Pinazepam
- 33 (53) Tetrazepam
- 34 (54) Mazindol

- 1 (55) Triazolam
- 2 (56) Midazolam
- 3 (57) Quazepam
- 4 (58) Butorphanol
- 5 (59) Sibutramine
- 6 Schedule V

7 (a) Any compound, mixture, or preparation containing any of the following limited
8 quantities of narcotic drugs, which shall include one or more non-narcotic active medicinal
9 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation
10 valuable medicinal qualities other than those possessed by the narcotic drug alone:

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

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

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

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

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

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

23 (c) Buprenorphine

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

28 (1) Propylhexedrine (except as benzedrex inhaler)

29 (2) Pyrovalerone.

30 SECTION 2. This act shall take effect upon passage.

=====
LC01023/SUB A
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

- 1 This act would add the chemical classes of synthetic cannabinoids and synthetic cathinones
- 2 to Schedule I.
- 3 This act would take effect upon passage.

=====
LC01023/SUB A
=====