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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Senators Valverde, Euer, DiMario, and Miller

Date Introduced: March 22, 2024

Referred To: Senate Health & Human Services

(Dept of Health)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28-2.1 of the General Laws in Chapter 21-28 entitled "Uniform
2 Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-2.01. Authority to control — Registration requirements and procedures.**

4 (a)(1) The director of [the department of health](#) shall control all substances enumerated in ~~§~~
5 ~~21-28-2.08 or~~ [the most current version of Title 21 of the Code of Federal Regulations \(CFR\) and](#)
6 may by motion or on the petition of any interested party pursuant to the procedures of chapter 35
7 of title 42, the Administrative Procedures Act, add, reschedule, or delete a substance as a controlled
8 substance. In making this determination, the director of health shall consider, but not be limited to
9 the following:

- 10 (i) (Its actual or relative potential for abuse;
- 11 (ii) Scientific evidence of its pharmacological effect if known;
- 12 (iii) State of current scientific knowledge regarding the substance;
- 13 (iv) Its history and current pattern of abuse;
- 14 (v) The scope, duration, and significance of abuse;
- 15 (vi) What, if any, risk there is to the public health;
- 16 (vii) Its psychic or physiological dependence liability;
- 17 (viii) Whether the substance is an immediate precursor of a substance already controlled
18 under this chapter.

19 (2) After considering the factors in subdivision (1) of this section the director of health

1 shall make findings with respect to these factors and shall issue an order controlling the substance
2 if it is found that the substance has potential for abuse.

3 (b) If the director of health designates a substance as an immediate precursor, substances
4 which are precursors of the controlled precursor shall not be subject to control solely because they
5 are precursors of the controlled precursor.

6 (c) ~~If any substance is designated, rescheduled, or deleted as a controlled substance under
7 federal law and notice of that action is given to the director of health, he or she shall similarly
8 control the substance under this chapter after the expiration of sixty (60) days from publication in
9 the federal register of a final order designating a substance as a controlled substance or rescheduling
10 or deleting a substance, unless within that sixty (60) day period, the director of health objects to
11 inclusion, rescheduling, or deletion. In that case, the director of health shall publish the reasons for
12 objection and afford all interested parties an opportunity to be heard. At the conclusion of the
13 hearing, the director of health shall publish his or her decision, which shall be final unless altered
14 by statute. The director of health shall publish and file his or her decision with the secretary of state.
15 Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the
16 director of health, control under this chapter is stayed until the director of health publishes his or
17 her decision. The director of the department of health shall reference the current version of Title 21
18 of the CFR as the current list of substances designated, rescheduled, or deleted as a controlled
19 substance for the state. If the director objects to inclusion, rescheduling, or deletion of any substance
20 under the current federal law, the director shall file that decision with the secretary of state and post
21 exempted substances on the department of health website.~~

22 (d) The following persons need not register and may lawfully possess controlled substances
23 under this chapter:

24 (1) An agent or employee of any registered manufacturer, distributor, or dispenser of any
25 controlled substance if he or she is acting in the usual course of his or her business or employment;

26 (2) A common or contract carrier or warehouse operator, or an employee of a carrier or
27 warehouse operator, whose possession of any controlled substance is in the usual course of business
28 or employment;

29 (3) An ultimate user or a person in possession of any controlled substance pursuant to a
30 lawful order of a practitioner or in lawful possession of a schedule V substance.

31 (e) The director of health may waive by rule the requirement for registration of certain
32 manufacturers, distributors, or dispensers if he or she finds it consistent with the public health and
33 safety.

34 (f) A separate registration is required at each place of business where the applicant

1 manufactures, distributes, or dispenses controlled substances. A separate registration is required at
2 each place of professional practice at which a practitioner stores controlled substances. A
3 practitioner may prescribe and administer controlled substances, upon registering with the director
4 of health at the applicant's principal place of professional practice.

5 (g) The director of health or his or her authorized agent may inspect the establishment of a
6 registrant or applicant for registration in accordance with his or her regulations.

7 SECTION 2. Sections 21-28-2.8, 21-28-2.9 and 21-28-2.10 of the General Laws in Chapter
8 21-28 entitled "Uniform Controlled Substances Act" are hereby repealed.

9 ~~21-28-2.08. Contents of schedules.~~

10 ~~Schedules I through V shall consist of the drugs and other substances, by whatever official~~
11 ~~name, common or usual name, chemical name, or brand name designated, listed in the~~
12 ~~corresponding section, or designated by the director of the department of health pursuant to § 21-~~
13 ~~28-2.01.~~

14 ~~Schedule I~~

15 ~~(a) Opiates. Unless specifically excepted or unless listed in another schedule, any of the~~
16 ~~following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers~~
17 ~~whenever the existence of the isomers, esters, ethers, and salts is possible within the specific~~
18 ~~chemical designation:~~

- 19 ~~(1) Acetylmethadol~~
- 20 ~~(2) Allylprodine~~
- 21 ~~(3) Alphacetylmethadol~~
- 22 ~~(4) Alphameprodine~~
- 23 ~~(5) Alphamethadol~~
- 24 ~~(6) Benzethidine~~
- 25 ~~(7) Betaacetylmethadol~~
- 26 ~~(8) Betameprodine~~
- 27 ~~(9) Betamethadol~~
- 28 ~~(10) Betaprodine~~
- 29 ~~(11) Clonitazene~~
- 30 ~~(12) Dextromoramide~~
- 31 ~~(13) Difenoxin~~
- 32 ~~(14) Diampromide~~
- 33 ~~(15) Diethylthiambutene~~
- 34 ~~(16) Dimenoxadol~~

- 1 ~~(17) Dimepheptanol~~
- 2 ~~(18) Dimethylthiambutene~~
- 3 ~~(19) Dioxaphetyl butyrate~~
- 4 ~~(20) Dipipanone~~
- 5 ~~(21) Ethylmethylthiambutene~~
- 6 ~~(22) Etonitazene~~
- 7 ~~(23) Extoxerdine~~
- 8 ~~(24) Furethidine~~
- 9 ~~(25) Hydroxypethidine~~
- 10 ~~(26) Ketobemidone~~
- 11 ~~(27) Levomoramide~~
- 12 ~~(28) Levophenacymorphan~~
- 13 ~~(29) Morpheridine~~
- 14 ~~(30) Noracymethadol~~
- 15 ~~(31) Norlevorphanol~~
- 16 ~~(32) Normethadone~~
- 17 ~~(33) Norpipanone~~
- 18 ~~(34) Phenadoxone~~
- 19 ~~(35) Phenampromide~~
- 20 ~~(36) Phenomorphan~~
- 21 ~~(37) Phenoperidine~~
- 22 ~~(38) Piritramide~~
- 23 ~~(39) Proheptazine~~
- 24 ~~(40) Properidine~~
- 25 ~~(41) Propiram~~
- 26 ~~(42) Racemoramide~~
- 27 ~~(43) Trimeperidone~~
- 28 ~~(44) Tilidine~~
- 29 ~~(45) Alpha-methylfentanyl~~
- 30 ~~(46) Beta-hydroxy-3-methylfentanyl-other names:~~
- 31 ~~N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyloxy]-N-phenylpropanamide~~
- 32 ~~(47) —Alpha-methylthiofentanyl—(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyloxy]-N-~~
- 33 ~~phenylpropanamide)~~
- 34 ~~(48) —N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide,—its—optical,—positional,—and~~

- 1 ~~geometric isomers, salts and salts of isomers (Other names: acetyl fentanyl)~~
- 2 ~~(49) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenyl-propionamide~~
- 3 ~~(Other names: beta-hydroxythiofentanyl)~~
- 4 ~~(50) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide (Other names: Butyryl fentanyl)~~
- 5 ~~(51) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (Other names: Furanyl~~
- 6 ~~fentanyl)~~
- 7 ~~(52) 3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide (Other names: AH-~~
- 8 ~~7921)~~
- 9 ~~(53) 3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (Other names:~~
- 10 ~~U-47700)~~
- 11 ~~(54) 3-Methylbutyrfentanyl (Other names: 3-MBF)~~
- 12 ~~(55) 4-Fluorobutyrfentanyl (Other names: 4-FBF, p-FBF)~~
- 13 ~~(56) 4-Phenylfentanyl~~
- 14 ~~(57) 4-Methoxybutyrfentanyl (Other names: 4-MeO-BF)~~
- 15 ~~(58) Acrylfentanyl (Other names: acryloyfentanyl)~~
- 16 ~~(59) Lofentanyl~~
- 17 ~~(60) N-Methylearfentanyl~~
- 18 ~~(61) Ocfentanyl (INN, A-3217)~~
- 19 ~~(63) 4-methoxymethylfentanyl (Other names: R-30490)~~
- 20 ~~(64) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (Other names: MT-45, IC-6)~~
- 21 ~~(b) *Opium Derivatives*. Unless specifically excepted or unless listed in another schedule,~~
- 22 ~~any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the~~
- 23 ~~existence of the salts, isomers, and salts of isomers is possible within the specific chemical~~
- 24 ~~designation:~~
- 25 ~~(1) Acetorphine~~
- 26 ~~(2) Acetyldihydrocodeine~~
- 27 ~~(3) Benzylmorphine~~
- 28 ~~(4) Codeine methylbromide~~
- 29 ~~(5) Codeine N-Oxide~~
- 30 ~~(6) Cyprenorphine~~
- 31 ~~(7) Desomorphine~~
- 32 ~~(8) Dihydromorphine~~
- 33 ~~(9) Etorphine (Except hydrochloride salt)~~
- 34 ~~(10) Heroin~~

- 1 ~~(11) Hydromorphenol~~
- 2 ~~(12) Methyldesorphine~~
- 3 ~~(13) Methylhydromorphine~~
- 4 ~~(14) Morphine methylbromide~~
- 5 ~~(15) Morphine methylsulfonate~~
- 6 ~~(16) Morphine N-Oxide~~
- 7 ~~(17) Myrophine~~
- 8 ~~(18) Noeocodeine~~
- 9 ~~(19) Nicomorphine~~
- 10 ~~(20) Normorphine~~
- 11 ~~(21) Pholecodine~~
- 12 ~~(22) Thebacon~~
- 13 ~~(23) Drotebanol~~

14 ~~(c) Hallucinogenic Substances. Unless specifically excepted or unless listed in another~~
15 ~~schedule, any material, compound, mixture, or preparation that contains any quantity of the~~
16 ~~following hallucinogenic substances, or that contains any of its salts, isomers, and salts of isomers~~
17 ~~whenever the existence of the salts, isomers, and salts of isomers is possible within the specific~~
18 ~~chemical designation (for purposes of this subsection only, the term "isomer" includes the optical,~~
19 ~~position, and geometric isomers):~~

- 20 ~~(1) 3, 4-methylenedioxy-amphetamine~~
- 21 ~~(2) 5-methoxy-3, 4-methylenedioxy-amphetamine~~
- 22 ~~(3) 3, 4, 5-trimethoxy-amphetamine~~
- 23 ~~(4) Bufotenine~~
- 24 ~~(5) Diethyltryptamine~~
- 25 ~~(6) Dimethyltryptamine~~
- 26 ~~(7) 4-methyl-2, 5-dimethoxyamphetamine~~
- 27 ~~(8) Ibogaine~~
- 28 ~~(9) Lysergic acid diethylamide~~
- 29 ~~(10) Marihuana~~
- 30 ~~(11) Mescaline~~
- 31 ~~(12) Peyote. Meaning all parts of the plant presently classified botanically as Lophophora~~
32 ~~Williamsii Lemair whether growing or not; the seeds of the plant; any extract from any part of the~~
33 ~~plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its~~
34 ~~seeds or extracts.~~

- 1 ~~(13) N-ethyl-3-piperidyl benzilate~~
- 2 ~~(14) N-methyl-3-piperidyl benzilate~~
- 3 ~~(15) Psilocybin~~
- 4 ~~(16) Psilocyn~~
- 5 ~~(17) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the plant,~~
6 ~~or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their~~
7 ~~isomers with similar chemical structure and pharmacological activity such as the following: delta~~
8 ~~1-cis or trans tetrahydrocannabinol, and their optical isomers. Delta-6-cis or trans~~
9 ~~tetrahydrocannabinol and their optical isomers. Delta-3,4-cis or trans tetrahydrocannabinol and~~
10 ~~their optical isomer. (Since nomenclature of these substances is not internationally standardized,~~
11 ~~compounds of these structures, regardless of numerical designation of atomic positions covered).~~
- 12 ~~(18) Thiophene analog of phencyclidine. 1-(1-(2-thienyl)-cyclohexyl)-piperidine: 2-~~
13 ~~Thienyl analog of phencyclidine: TPCP~~
- 14 ~~(19) 2,5-dimethoxyamphetamine~~
- 15 ~~(20) 4-bromo-2,5-dimethoxyamphetamine, 4-bromo-2,5-dimethoxy-alpha-~~
16 ~~methylphenethylamine: 4-bromo-2,5-DMA~~
- 17 ~~(21) 4-methoxyamphetamine 4-methoxy-alpha-methylphenethylamine:~~
18 ~~paramethoxyamphetamine: PMA~~
- 19 ~~(22) Ethylamine analog of phencyclidine. N-ethyl-1-phenylcyclohexylamine, (1-~~
20 ~~phenylcyclohexyl)-ethylamine, N-(1-phenylcyclohexyl)-ethylamine, cyclohexamine, PCE~~
- 21 ~~(23) Pyrrolidine analog of phencyclidine. 1-(1-phenylcyclohexyl)-pyrrolidine PCPy, PHP~~
- 22 ~~(24) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-~~
23 ~~trimethyl-6H-dibenz-o(b,d)-pyran: Synhexyl.~~
- 24 ~~(25) Salvia Divinorum (Salvinorin A or Divinorin A), meaning any extract from any part~~
25 ~~of the plant, and any compound, salt derivative, or mixture of the plant or its extracts. This shall~~
26 ~~not mean the unaltered plant.~~
- 27 ~~(26) Datura stamonium (jimson weed or datura), meaning any extract from any part of the~~
28 ~~plant, and any compound, salt derivative, or mixture of the plant or its extracts. This shall not mean~~
29 ~~the unaltered plant.~~
- 30 ~~(d) *Depressants*. Unless specifically excepted or unless listed in another schedule, any~~
31 ~~material, compound, mixture, or preparation that contains any quantity of the following substances~~
32 ~~having a depressant effect on the central nervous system, including its salts, isomers, and salts of~~
33 ~~isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the~~
34 ~~specific chemical designation:~~

- 1 ~~(1) Meclloqualone.~~
- 2 ~~(2) Methaqualone.~~
- 3 ~~(3) 3-methyl-fentanyl (n-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide.~~
- 4 ~~(4) 3,4-methyl-enedioxymethamphetamine (MDMA), its optical, positional, and geometric~~
- 5 ~~isomers, salts, and salts of isomers.~~
- 6 ~~(5) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and salts~~
- 7 ~~of isomers.~~
- 8 ~~(6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts,~~
- 9 ~~and salts of isomers.~~
- 10 ~~(7) — N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenyl-acetamide — (acetyl-~~
- 11 ~~alphamethylfentanyl), its optical isomers, salts, and salts of isomers.~~
- 12 ~~(8) — N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanami — de — (alpha-~~
- 13 ~~methylthiofentanyl), its optical isomers, salts, and salts of isomers.~~
- 14 ~~(9) N-(1-benzyl-piperidyl)-N-phenylpropanamide (benzyl-fentanyl), its optical isomers,~~
- 15 ~~salts, and salts of isomers.~~
- 16 ~~(10) — N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenyl-propanamid — e — (beta-~~
- 17 ~~hydroxyfentanyl), its optical isomers, salts, and salts of isomers.~~
- 18 ~~(11) N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpro — panamide (beta-~~
- 19 ~~hydroxy-3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers.~~
- 20 ~~(12) — N-(3-methyl)-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpro — panamide — (3-~~
- 21 ~~methylthiofentanyl), its optical and geometric isomers, salts, and salts of isomers.~~
- 22 ~~(13) — N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide — (thienylfentanyl), — its~~
- 23 ~~optical isomers, salts, and salts of isomers.~~
- 24 ~~(14) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical~~
- 25 ~~isomers, salts, and salts of isomers.~~
- 26 ~~(15) — N-[1-(2-phenylethyl)-4-piperidyl]-N-(4-fluorophenyl)-propanamid — e — (para-~~
- 27 ~~fluorofentanyl), its optical isomers, salts, and salts of isomers.~~
- 28 ~~(16) Gamma-hydroxybutyrate, HOOC-CH₂-CH₂-CH₂OH, its optical, position, or~~
- 29 ~~geometric isomers, salts, and salts of isomers.~~
- 30 ~~(17) Etizolam.~~
- 31 ~~(18) Flubromazolam.~~
- 32 ~~(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any~~
- 33 ~~material, compound, mixture, or preparation that contains any quantity of the following substances~~
- 34 ~~having a stimulant effect on the central nervous system, including its salts, isomers, and salts of~~

1 ~~isomers:~~

2 ~~(1) Fenethylamine~~

3 ~~(2) N-ethylamphetamine~~

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

5 ~~(4) 3,4-methylenedioxy-N-methylcathinone (Other name: methylone)~~

6 ~~(5) 3,4-methylenedioxypropylone (Other name: MDPV)~~

7 ~~(f) Any material, compound, mixture, or preparation that contains any quantity of the~~

8 ~~following substances:~~

9 ~~(1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497)~~

10 ~~(2) _____ 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol~~
11 ~~(cannabicyclohexanol and CP-47,497 c8 homologue)~~

12 ~~(3) 1-Butyl-3-(1-naphthoyl)indole, (JWH-073)~~

13 ~~(4) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200)~~

14 ~~(5) 1-Pentyl-3-(1-naphthoyl)indole, (JWH-018 and AM678)~~

15 ~~(g) Synthetic cannabinoids or piperazines. Unless specifically excepted, any chemical~~
16 ~~compound which is not approved by the United States Food and Drug Administration or, if~~
17 ~~approved, which is not dispensed or possessed in accordance with state and federal law, that~~
18 ~~contains _____ Benzylpiperazine (BZP); _____ Trifluoromethylphenylpiperazine (TFMPP); _____ 1,1-~~
19 ~~Dimethylheptyl-11-hydroxytetrahydrocannabinol (HU-210); 1-Butyl-3-(1-naphthoyl)-indole; 1-~~
20 ~~Pentyl-3-(1-naphthoyl)-indole; dexanabinol (HU-211); or any compound in the following structural~~
21 ~~classes:~~

22 ~~(1) Naphthoylindoles: Any compound containing a 3-(1-naphthoyl)indole structure with~~
23 ~~substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl,~~
24 ~~cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl~~
25 ~~group, whether or not further substituted in the indole ring to any extent and whether or not~~
26 ~~substituted in the naphthyl ring to any extent. Examples of this structural class include, but are not~~
27 ~~limited, to JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, and AM-~~
28 ~~2201;~~

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

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

7 ~~(4) Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol~~
8 ~~structure with substitution at the 5-position of the phenolic 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 substituted in the cyclohexyl ring to any extent. Examples of this structural~~
11 ~~class include, but are not limited to, CP-47,497 and its C8 homologue (cannabicyclohexanol);~~

12 ~~(5) Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl)~~
13 ~~methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,~~
14 ~~alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-~~
15 ~~morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and~~
16 ~~whether or not substituted in the naphthyl ring to any extent. Examples of this structural class~~
17 ~~include, but are not limited to, JWH-175, JWH-184, and JWH-185;~~

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

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

30 ~~(8) Any other synthetic cannabinoid or piperazine which is not approved by the United~~
31 ~~States Food and Drug Administration or, if approved, which is not dispensed or possessed in~~
32 ~~accordance with state and federal law.~~

33 ~~(h) Synthetic cathinones. Unless specifically excepted, any chemical compound which is~~
34 ~~not approved by the United States Food and Drug Administration or, if approved, which is not~~

1 ~~dispensed or possessed in accordance with state and federal law, not including bupropion,~~
2 ~~structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl,~~
3 ~~naphthyl, or thiophene ring systems, whether or not the compound is further modified in one or~~
4 ~~more of the following ways:~~

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

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

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

15 ~~(4) Any other synthetic cathinone which is not approved by the United States Food and~~
16 ~~Drug Administration or, if approved, is not dispensed or possessed in accordance with state or~~
17 ~~federal law. Examples of this class include, but are not limited to, Ephylone and Pentylone.~~

18 ~~Schedule II~~

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

23 ~~(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or~~
24 ~~opiate excluding naloxone and its salts, and excluding naltrexone and its salts, but including the~~
25 ~~following:~~

26 ~~(i) Raw opium~~

27 ~~(ii) Opium extracts~~

28 ~~(iii) Opium fluid extracts~~

29 ~~(iv) Powdered opium~~

30 ~~(v) Granulated opium~~

31 ~~(vi) Tincture of opium~~

32 ~~(vii) Etorphine hydrochloride~~

33 ~~(viii) Codeine~~

34 ~~(ix) Ethylmorphine~~

- 1 ~~(x) Hydrocodone~~
- 2 ~~(xi) Hydromorphone~~
- 3 ~~(xii) Metopon~~
- 4 ~~(xiii) Morphine~~
- 5 ~~(xiv) Oxycodone~~
- 6 ~~(xv) Oxymorphone~~
- 7 ~~(xvi) Thebaine~~
- 8 ~~(2) Any salt, compound, derivative, or preparation that is chemically equivalent or identical~~
- 9 ~~with any of the substances referred to in subdivision (1) of this subsection, except that these~~
- 10 ~~substances shall not include the isoquinoline alkaloids of opium.~~
- 11 ~~(3) Opium poppy and poppy straw.~~
- 12 ~~(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any~~
- 13 ~~salt, compound, derivative, or preparation that is chemically equivalent or identical with any of~~
- 14 ~~these substances, except that the substances shall not include decocainized coca leaves or extraction~~
- 15 ~~of coca leaves, which extractions do not contain cocaine or ecgonine.~~
- 16 ~~(5) Concentrate of poppy straw (the crude extract of poppy straw in liquid, solid, or powder~~
- 17 ~~form that contains the phenanthrine alkaloids of the opium poppy).~~
- 18 ~~(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the~~
- 19 ~~following opiates, including its isomers, esters, ethers, salts; and salts of isomers, esters, and ethers~~
- 20 ~~whenever the existence of the isomers, esters, ethers, and salts is possible within the specific~~
- 21 ~~chemical designation:~~
- 22 ~~(1) Alphaprodine~~
- 23 ~~(2) Anileridine~~
- 24 ~~(3) Bezitramide~~
- 25 ~~(4) Dihydrocodeine~~
- 26 ~~(5) Diphenoxylate~~
- 27 ~~(6) Fentanyl~~
- 28 ~~(7) Isomethadone~~
- 29 ~~(8) Levomethorphan~~
- 30 ~~(9) Levorphanol~~
- 31 ~~(10) Metazocine~~
- 32 ~~(11) Methadone~~
- 33 ~~(12) Methadone Intermediate, 4 cyano 2 dimethylamino 4, 4 diphenyl butane~~
- 34 ~~(13) Moramide Intermediate, 2 methyl 3 morpholino 1, 1 diphenylpropane carboxylic~~

- 1 acid
- 2 ~~(14) Pethidine~~
- 3 ~~(15) Pethidine Intermediate A, 4 cyano 1 methyl 4 phenylpiperidine~~
- 4 ~~(16) Pethidine Intermediate B, ethyl 4 phenylpiperidine 4 carboxylate~~
- 5 ~~(17) Pethidine Intermediate C, 1 methyl 4 phenylpiperidine 4 carboxylic acid~~
- 6 ~~(18) Phenaxocine~~
- 7 ~~(19) Piminodine~~
- 8 ~~(20) Racemethorphan~~
- 9 ~~(21) Racemorphan~~
- 10 ~~(22) Bulk Dextropropoxyphene (non dosage forms)~~
- 11 ~~(23) Suffentanil~~
- 12 ~~(24) Alfentanil~~
- 13 ~~(25) Levoalphacetylmethadol~~
- 14 ~~(26) Carfentanil~~
- 15 ~~(27) Remifentanil~~
- 16 ~~(c) Stimulants. Unless specifically excepted or unless listed in another schedule, any~~
- 17 ~~material, compound, mixture, or preparation that contains any quantity of the following substances~~
- 18 ~~having a stimulant effect on the central nervous system:~~
- 19 ~~(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.~~
- 20 ~~(2) Methamphetamine, its salts, and salts of its isomers.~~
- 21 ~~(3) Phenmetrazine and its salts.~~
- 22 ~~(4) Methylphenidate.~~
- 23 ~~(d) Depressants. Unless specifically excepted or unless listed in another schedule, any~~
- 24 ~~material, compound, mixture, or preparation that contains any quantity of the following substances~~
- 25 ~~having a depressant effect on the central nervous system, including its salts, isomers, and salts of~~
- 26 ~~isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the~~
- 27 ~~specific chemical designation:~~
- 28 ~~(1) Amobarbital~~
- 29 ~~(2) Glutethimide~~
- 30 ~~(3) Methypylon~~
- 31 ~~(4) Pentobarbital~~
- 32 ~~(5) Phencyclidine~~
- 33 ~~(6) Secobarbital~~
- 34 ~~(7) Phencyclidine immediate precursors:~~

1 ~~(i) 1-phencyclohexylamine~~

2 ~~(ii) 1-piperidino-cyclohexane-carbonitrile (PCC)~~

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

5 ~~Schedule III~~

6 ~~(a) Unless specifically excepted or unless listed in another schedule, any material,~~
7 ~~compound, mixture, or preparation that contains any quantity of the following substances having a~~
8 ~~depressant effect on the central nervous system:~~

9 ~~(1) Any substance that contains any quantity of a derivative of barbituric acid or any salt~~
10 ~~of a derivative of barbituric acid.~~

11 ~~(2) Chlorhexadol~~

12 ~~(3) Lysergic acid~~

13 ~~(4) Lysergic acid amide~~

14 ~~(5) Sulfondiethylmethane~~

15 ~~(6) Sulfonethylmethane~~

16 ~~(7) Sulfonmethane~~

17 ~~(8) Any compound, mixture, or preparation containing amobarbital, secobarbital,~~
18 ~~pentobarbital, or any salt of them and one or more other active medicinal ingredients that are not~~
19 ~~listed in any schedule.~~

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

23 ~~(10) Ketamine, its salts, isomers, and salts of isomers. (Some other names for ketamine:~~
24 ~~(+) 2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).~~

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

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

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

34 ~~(3) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one~~

1 ~~hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with~~
2 ~~a fourfold or greater quantity of an isoquinoline alkaloid of opium.~~

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

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

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

12 ~~(7) Not more than five hundred milligrams (500 mgs.) of opium per one hundred milliliters~~
13 ~~(100 mls.) or per one hundred grams (100 gms.) or not more than twenty five milligrams (25 mgs.)~~
14 ~~per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.~~

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

18 ~~(c) *Stimulants.* Unless specifically excepted or listed in another schedule, any material,~~
19 ~~compound, mixture, or preparation that contains any quantity of the following substances having a~~
20 ~~stimulant effect on the central nervous system, including its salts, isomers, and salts of the isomers~~
21 ~~whenever the existence of the salts of isomers is possible within the specific chemical designation:~~

22 ~~(1) Benzphetamine~~

23 ~~(2) Chlorphentermine~~

24 ~~(3) Clortermine~~

25 ~~(4) Mazindol~~

26 ~~(5) Phendimetrazine~~

27 ~~(d) *Steroids and hormones.* Anabolic steroids (AS) or human growth hormone (HGH),~~
28 ~~excluding those compounds, mixtures, or preparations containing an anabolic steroid that because~~
29 ~~of its concentration, preparation, mixture, or delivery system, has no significant potential for abuse,~~
30 ~~as published in 21 C.F.R. § 1308.34, including, but not limited to, the following:~~

31 ~~(1) Chorionic gonadotropin, except for veterinary use and when that use is approved by the~~
32 ~~Food and Drug Administration.~~

33 ~~(2) Clostebol~~

34 ~~(3) Dehydrochloromethyltestosterone~~

- 1 ~~(4) Ethylestrenol~~
- 2 ~~(5) Fluoxymesterone~~
- 3 ~~(6) Mesterolone~~
- 4 ~~(7) Metenolone~~
- 5 ~~(8) Methandienone~~
- 6 ~~(9) Methandrostenolone~~
- 7 ~~(10) Methyltestosterone~~
- 8 ~~(11) Nandrolone decanoate~~
- 9 ~~(12) Nandrolone phenpropionate~~
- 10 ~~(13) Norethandrolone~~
- 11 ~~(14) Oxandrolone~~
- 12 ~~(15) Oxymesterone~~
- 13 ~~(16) Oxymetholone~~
- 14 ~~(17) Stanozolol~~
- 15 ~~(18) Testosterone propionate~~
- 16 ~~(19) Testosterone like related compounds~~
- 17 ~~(20) Human Growth Hormone (HGH)~~
- 18 ~~(e) Hallucinogenic substances:~~
- 19 ~~(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in U.S.~~
- 20 ~~Food and Drug Administration approved drug product. (Some other names for dronabinol: (6aR-~~
- 21 ~~trans)-6a, 7, 8, 10a-tetrahydro-6, 6, 9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-) delta-~~
- 22 ~~9(trans)-tetrahydrocannabinol.)~~
- 23 ~~Schedule IV~~
- 24 ~~(1) Barbitol.~~
- 25 ~~(2) Chloral betaine~~
- 26 ~~(3) Chloral hydrate~~
- 27 ~~(4) Ethchrovynol~~
- 28 ~~(5) Ethinamate~~
- 29 ~~(6) Methohexital~~
- 30 ~~(7) Meprobamate~~
- 31 ~~(8) Methylphenobarbital~~
- 32 ~~(9) Paraldehyde~~
- 33 ~~(10) Petrichloral~~
- 34 ~~(11) Phenobarbital~~

- 1 ~~(12) Fenfluramine~~
- 2 ~~(13) Diethylpropion~~
- 3 ~~(14) Phentermine~~
- 4 ~~(15) Pemoline (including organometallic complexes and chelates thereof).~~
- 5 ~~(16) Chlordiazepoxide~~
- 6 ~~(17) Clonazepam~~
- 7 ~~(18) Clorazepate~~
- 8 ~~(19) Diazepam~~
- 9 ~~(20) Flurazepam~~
- 10 ~~(21) Mebutamate~~
- 11 ~~(22) Oxazepam~~
- 12 ~~(23) Unless specifically excepted or unless listed in another schedule, any material,~~
- 13 ~~compound, mixture, or preparation that contains any quantity of the following substances, including~~
- 14 ~~its salts:~~
- 15 ~~Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-~~
- 16 ~~propionoxybutane).~~
- 17 ~~(24) Prazepam~~
- 18 ~~(25) Lorazepam~~
- 19 ~~(26) Not more than one milligram (1 mg.) of difenoxin and not less than twenty-five (25)~~
- 20 ~~micrograms of atropine sulfate per dosage unit.~~
- 21 ~~(27) Pentazocine~~
- 22 ~~(28) Pipradrol~~
- 23 ~~(29) SPA (-)-1-dimethylamino-1,2-diphenylethane~~
- 24 ~~(30) Temazepam~~
- 25 ~~(31) Halazepam~~
- 26 ~~(32) Alprazolam~~
- 27 ~~(33) Bromazepam~~
- 28 ~~(34) Camazepam~~
- 29 ~~(35) Clobazam~~
- 30 ~~(36) Clotiazepam~~
- 31 ~~(37) Cloxazolam~~
- 32 ~~(38) Delorazepam~~
- 33 ~~(39) Estazolam~~
- 34 ~~(40) Ethyl loflazepate~~

- 1 ~~(41) Fludizaepam~~
- 2 ~~(42) Flunitrazepam~~
- 3 ~~(43) Haloxazolam~~
- 4 ~~(44) Ketazolam~~
- 5 ~~(45) Loprazolam~~
- 6 ~~(46) Lormetazepam~~
- 7 ~~(47) Medazepam~~
- 8 ~~(48) Nimetazepam~~
- 9 ~~(49) Nitrazepam~~
- 10 ~~(50) Nordiazepam~~
- 11 ~~(51) Oxazolam~~
- 12 ~~(52) Pinazepam~~
- 13 ~~(53) Tetrazepam~~
- 14 ~~(54) Mazindol~~
- 15 ~~(55) Triazolam~~
- 16 ~~(56) Midazolam~~
- 17 ~~(57) Quazepam~~
- 18 ~~(58) Butorphanol~~
- 19 ~~(59) Sibutramine~~
- 20 ~~(60) Tramadol~~
- 21 ~~(61) Zolpidem~~

22 ~~Schedule V~~

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

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

29 ~~(2) Not more than one hundred milligrams (100 mgs.) of dihydrocodeine per 100 milliliters~~
30 ~~(100 mls.) or per one hundred grams (100 gms.).~~

31 ~~(3) Not more than one hundred milligrams (100 mgs.) of ethylmorphine per 100 milliliters~~
32 ~~(100 mls.) or per one hundred grams (100 gms.).~~

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

1 ~~(5) Not more than one hundred milligrams (100 mgs.) of opium per one hundred milliliters~~
2 ~~(100 mls.) or per one hundred grams (100 gms.).~~

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

5 ~~(c) Buprenorphine~~

6 ~~(d) Unless specifically exempted or excluded or unless listed in another schedule, any~~
7 ~~material, compound, mixture, or preparation that contains any quantity of the following substances~~
8 ~~having a stimulant effect on the central nervous system, including its salts, isomers, and salts of~~
9 ~~isomers:~~

10 ~~(1) Propylhexedrine (except as benzedrex inhaler)~~

11 ~~(2) Pyrovalerone.~~

12 ~~(e) Xylazine HCL~~

13 ~~**21-28-2.09. Exemption of compounds containing counteragents.**~~

14 ~~Nothing in this chapter shall apply to any compound, mixture, or preparation containing~~
15 ~~any depressant or stimulant drug in schedule II or in subsection (a) of schedule III or in schedule~~
16 ~~IV or V if: (1) the compound, mixture, or preparation contains one or more active medicinal~~
17 ~~ingredients not having a depressant or stimulant effect on the central nervous system, and (2) these~~
18 ~~ingredients are included in the compound, mixture or preparation in such combinations, quantity,~~
19 ~~proportion, or concentration as to vitiate the potential for abuse of the drugs which do have a~~
20 ~~depressant or stimulant effect on the central nervous system.~~

21 ~~**21-28-2.10. Exemption of dextromethorphan.**~~

22 ~~Dextromethorphan shall not be deemed to be included in any schedule unless controlled~~
23 ~~pursuant to the provisions of this article.~~

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

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LC004443
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- UNIFORM CONTROLLED SUBSTANCES ACT

- 1 This act would substitute the current lists of controlled substances in the general laws with
- 2 the current version of Title 21 of the code of federal regulations.
- 3 This act would take effect upon passage.

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LC004443
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