

IN THE SENATE

SENATE BILL NO. 1241

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2701, IDAHO CODE, TO
2 REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
3 37-2705, IDAHO CODE, TO PROVIDE AN EXCEPTION; AND DECLARING AN EMER-
4 GENCY.
5

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 37-2701, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 37-2701. DEFINITIONS. As used in this chapter:

10 (a) "Administer" means the direct application of a controlled sub-
11 stance whether by injection, inhalation, ingestion, or any other means, to
12 the body of a patient or research subject by:

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

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

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

20 (c) "Board" means the state board of pharmacy created in chapter 17, ti-
21 tle 54, Idaho Code, or its successor agency.

22 (d) "Bureau" means the drug enforcement administration, United States
23 department of justice, or its successor agency.

24 (e) "Controlled substance" means a drug, substance or immediate pre-
25 cursor in schedules I through VI of article II of this chapter.

26 (f) "Counterfeit substance" means a controlled substance which, or the
27 container or labeling of which, without authorization, bears the trademark,
28 trade name, or other identifying mark, imprint, number or device, or any
29 likeness thereof, of a manufacturer, distributor or dispenser other than the
30 person who in fact manufactured, distributed or dispensed the substance.

31 (g) "Deliver" or "delivery" means the actual, constructive, or at-
32 tempted transfer from one ~~(1)~~ person to another of a controlled substance,
33 whether or not there is an agency relationship.

34 (h) "Director" means the director of the Idaho state police.

35 (i) "Dispense" means to deliver a controlled substance to an ultimate
36 user or research subject by or pursuant to the lawful order of a practi-
37 tioner, including the packaging, labeling, or compounding necessary to
38 prepare the substance for that delivery.

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

40 (k) "Distribute" means to deliver other than by administering or dis-
41 pensing a controlled substance.

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

1 (m) "Drug" means: (1) substances recognized as drugs in the official
2 United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the
3 United States, or official National Formulary, or any supplement to any of
4 them; (2) substances intended for use in the diagnosis, cure, mitigation,
5 treatment or prevention of disease in man or animals; (3) substances, other
6 than food, intended to affect the structure or any function of the body of man
7 or animals; and (4) substances intended for use as a component of any article
8 specified in clause (1), (2), or (3) of this subsection. It does not include
9 devices or their components, parts, or accessories.

10 (n) "Drug paraphernalia" means all equipment, products and materi-
11 als of any kind which are used, intended for use, or designed for use, in
12 planting, propagating, cultivating, growing, harvesting, manufactur-
13 ing, compounding, converting, producing, processing, preparing, testing,
14 analyzing, packaging, repackaging, storing, containing, concealing, in-
15 jecting, ingesting, inhaling, or otherwise introducing into the human body
16 a controlled substance in violation of this chapter. It includes, but is not
17 limited to:

18 (1) Kits used, intended for use, or designed for use in planting, prop-
19 agating, cultivating, growing or harvesting of any species of plant
20 which is a controlled substance or from which a controlled substance can
21 be derived;

22 (2) Kits used, intended for use, or designed for use in manufacturing,
23 compounding, converting, producing, processing or preparing con-
24 trolled substances;

25 (3) Isomerization devices used, intended for use, or designed for use
26 in increasing the potency of any species of plant which is a controlled
27 substance;

28 (4) Testing equipment used, intended for use, or designed for use in
29 identifying, or in analyzing the strength, effectiveness or purity of
30 controlled substances;

31 (5) Scales and balances used, intended for use, or designed for use in
32 weighing or measuring controlled substances;

33 (6) Diluents and adulterants, such as quinine hydrochloride, mannitol,
34 mannite, dextrose and lactose, used, intended for use, or designed for
35 use in cutting controlled substances;

36 (7) Separation gins and sifters used, intended for use, or designed for
37 use in removing twigs and seeds from, or in otherwise cleaning or refin-
38 ing, marijuana;

39 (8) Blenders, bowls, containers, spoons and mixing devices used,
40 intended for use, or designed for use in compounding controlled sub-
41 stances;

42 (9) Capsules, balloons, envelopes and other containers used, intended
43 for use, or designed for use in packaging small quantities of controlled
44 substances;

45 (10) Containers and other objects used, intended for use, or designed
46 for use in storing or concealing controlled substances;

47 (11) Hypodermic syringes, needles and other objects used, intended
48 for use, or designed for use in parenterally injecting controlled sub-
49 stances into the human body;

1 (12) Objects used, intended for use, or designed for use in ingesting,
 2 inhaling, or otherwise introducing marijuana, cocaine, hashish, or
 3 hashish oil into the human body, such as:

- 4 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic
 5 pipes with or without screens, permanent screens, hashish heads,
 6 or punctured metal bowls;
 7 (ii) Water pipes;
 8 (iii) Carburetion tubes and devices;
 9 (iv) Smoking and carburetion masks;
 10 (v) Roach clips: meaning objects used to hold burning material,
 11 such as a marijuana cigarette, that has become too small or too
 12 short to be held in the hand;
 13 (vi) Miniature cocaine spoons, and cocaine vials;
 14 (vii) Chamber pipes;
 15 (viii) Carburetor pipes;
 16 (ix) Electric pipes;
 17 (x) Air-driven pipes;
 18 (xi) Chillums;
 19 (xii) Bongs;
 20 (xiii) Ice pipes or chillers;

21 In determining whether an object is drug paraphernalia, a court or other
 22 authority should consider, in addition to all other logically relevant fac-
 23 tors, the following:

- 24 1. Statements by an owner or by anyone in control of the object concern-
 25 ing its use;
 26 2. Prior convictions, if any, of an owner, or of anyone in control of the
 27 object, under any state or federal law relating to any controlled sub-
 28 stance;
 29 3. The proximity of the object, in time and space, to a direct violation
 30 of this chapter;
 31 4. The proximity of the object to controlled substances;
 32 5. The existence of any residue of controlled substances on the object;
 33 6. Direct or circumstantial evidence of the intent of an owner, or of
 34 anyone in control of the object, to deliver it to persons whom he knows,
 35 or should reasonably know, who intend to use the object to facilitate a
 36 violation of this chapter; the innocence of an owner, or of anyone in
 37 control of the object, as to a direct violation of this chapter shall not
 38 prevent a finding that the object is intended for use, or designed for
 39 use as drug paraphernalia;
 40 7. Instructions, oral or written, provided with the object concerning
 41 its use;
 42 8. Descriptive materials accompanying the object ~~which~~ that explain or
 43 depict its use;
 44 9. National and local advertising concerning its use;
 45 10. The manner in which the object is displayed for sale;
 46 11. Whether the owner, or anyone in control of the object, is a legit-
 47 imate supplier of like or related items to the community, such as a li-
 48 censed distributor or dealer of tobacco products;
 49 12. Direct or circumstantial evidence of the ratio of sales of the ob-
 50 ject(s) to the total sales of the business enterprise;

1 13. The existence and scope of legitimate uses for the object in the com-
2 munity;

3 14. Expert testimony concerning its use.

4 (o) "Financial institution" means any bank, trust company, savings and
5 loan association, savings bank, mutual savings bank, credit union, or loan
6 company under the jurisdiction of the state or under the jurisdiction of an
7 agency of the United States.

8 (p) "Immediate precursor" means a substance which the board has found
9 to be and by rule designates as being the principal compound commonly used or
10 produced primarily for use, and which is an immediate chemical intermediary
11 used or likely to be used in the manufacture of a controlled substance, the
12 control of which is necessary to prevent, curtail or limit manufacture.

13 (q) "Isomer" means the optical isomer, except as used in section
14 37-2705(d), Idaho Code.

15 (r) "Law enforcement agency" means a governmental unit of one (1) or
16 more persons employed full-time or part-time by the state or a political sub-
17 division of the state for the purpose of preventing and detecting crime and
18 enforcing state laws or local ordinances, employees of which unit are autho-
19 rized to make arrests for crimes while acting within the scope of their au-
20 thority.

21 (s) "Manufacture" means the production, preparation, propagation,
22 compounding, conversion or processing of a controlled substance, and in-
23 cludes extraction, directly or indirectly, from substances of natural
24 origin, or independently by means of chemical synthesis, or by a combina-
25 tion of extraction and chemical synthesis, and includes any packaging or
26 repackaging of the substance or labeling or relabeling of its container,
27 except that this term does not include the preparation or compounding of a
28 controlled substance:

29 (1) By a practitioner as an incident to his administering, dispensing
30 or, as authorized by board rule, distributing of a controlled substance
31 in the course of his professional practice; or

32 (2) By a practitioner, or by his authorized agent under his supervi-
33 sion, for the purpose of, or as an incident to, research, teaching, or
34 chemical analysis and not for delivery.

35 (t) "Marijuana" means all parts of the plant of the genus Cannabis, re-
36 gardless of species, and whether growing or not; the seeds thereof; the resin
37 extracted from any part of such plant; and every compound, manufacture,
38 salt, derivative, mixture, or preparation of such plant, its seeds or resin.
39 It does not include:

40 (1) Hemp, defined as the plant Cannabis sativa L. and any part of that
41 plant, including the seeds thereof and all derivatives, extracts,
42 cannabinoids, isomers, acids, salts, and salts of isomers, whether
43 growing or not, with a delta-9 tetrahydrocannabinol concentration of
44 not more than 0.3 percent on a dry weight basis; or

45 (2) The mature stalks of the plant unless the same are intermixed with
46 prohibited parts thereof, fiber produced from the stalks, oil or cake
47 made from the seeds or the achene of such plant, any other compound,
48 manufacture, salt, derivative, mixture, or preparation of the mature
49 stalks, except the resin extracted therefrom or where the same are in-
50 termixed with prohibited parts of such plant, fiber, oil, or cake, or

1 the sterilized seed of such plant which is incapable of germination.
 2 Evidence that any plant material or the resin or any derivative thereof,
 3 regardless of form, contains any of the chemical substances classified
 4 as tetrahydrocannabinols shall create a presumption that such material
 5 is "marijuana" as defined and prohibited herein.

6 (u) "Narcotic drug" means any of the following, whether produced di-
 7 rectly or indirectly by extraction from substances of vegetable origin, or
 8 independently by means of chemical synthesis, or by a combination of extrac-
 9 tion and chemical synthesis:

10 (1) Opium and opiate, and any salt, compound, derivative, or prepara-
 11 tion of opium or opiate.

12 (2) Any salt, compound, isomer, derivative, or preparation thereof
 13 which is chemically equivalent or identical with any of the substances
 14 referred to in elause paragraph (1) of this subsection, but not includ-
 15 ing the isoquinoline alkaloids of opium.

16 (3) Opium poppy and poppy straw.

17 (4) Coca leaves and any salt, compound, derivative, or preparation of
 18 coca leaves, and any salt, compound, isomer, derivative, or preparation
 19 thereof which is chemically equivalent or identical with any of these
 20 substances, but not including decocainized coca leaves or extractions
 21 of coca leaves which do not contain cocaine or ecgonine.

22 (v) "Opiate" means any substance having an addiction-forming or ad-
 23 diction-sustaining liability similar to morphine or being capable of
 24 conversion into a drug having addiction-forming or addiction-sustaining
 25 liability. It does not include, unless specifically designated as con-
 26 trolled under section 37-2702, Idaho Code, the dextrorotatory isomer of
 27 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does in-
 28 clude its racemic and levorotatory forms.

29 (w) "Opium poppy" means the plant of the species *Papaver somniferum* L.,
 30 except its seeds.

31 (x) "Peace officer" means any duly appointed officer or agent of a law
 32 enforcement agency, as defined herein, including, but not limited to, a duly
 33 appointed investigator or agent of the Idaho state police, an officer or an
 34 employee of the board of pharmacy, who is authorized by the board to enforce
 35 this chapter, an officer of the Idaho state police, a sheriff or deputy sher-
 36 iff of a county, or a marshal or policeman of any city.

37 (y) "Person" means individual, corporation, government, or governmen-
 38 tal subdivision or agency, business trust, estate, trust, partnership or as-
 39 sociation, or any other legal entity.

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

42 (aa) "Practitioner" means:

43 (1) A physician, dentist, veterinarian, scientific investigator, or
 44 other person licensed, registered or otherwise permitted to distrib-
 45 ute, dispense, conduct research with respect to, or to administer a
 46 controlled substance in the course of his professional practice or re-
 47 search in this state;

48 (2) A pharmacy, hospital, or other institution licensed, registered,
 49 or otherwise permitted to distribute, dispense, conduct research with

1 respect to, or to administer a controlled substance in the course of its
2 professional practice or research in this state.

3 (bb) "Prescribe" means a direction or authorization permitting an ulti-
4 mate user to lawfully obtain or be administered controlled substances.

5 (cc) "Prescriber" means an individual currently licensed, registered
6 or otherwise authorized to prescribe and administer controlled substances
7 in the course of professional practice.

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

10 (ee) "Simulated controlled substance" means a substance that is not a
11 controlled substance, but which by appearance or representation would lead
12 a reasonable person to believe that the substance is a controlled substance.
13 Appearance includes, but is not limited to, color, shape, size, and markings
14 of the dosage unit. Representation includes, but is not limited to, repre-
15 sentations or factors of the following nature:

16 (1) Statements made by an owner or by anyone else in control of the sub-
17 stance concerning the nature of the substance, or its use or effect;

18 (2) Statements made to the recipient that the substance may be resold
19 for inordinate profit; or

20 (3) Whether the substance is packaged in a manner normally used for il-
21 licit controlled substances.

22 (ff) "State," when applied to a part of the United States, includes any
23 state, district, commonwealth, territory, insular possession thereof, and
24 any area subject to the legal authority of the United States of America.

25 (gg) "Ultimate user" means a person who lawfully possesses a controlled
26 substance for his own use or for the use of a member of his household or for
27 administering to an animal owned by him or by a member of his household.

28 (hh) "Utility" means any person, association, partnership or corpora-
29 tion providing telephone and/or communication services, electricity, natu-
30 ral gas or water to the public.

31 SECTION 2. That Section 37-2705, Idaho Code, be, and the same is hereby
32 amended to read as follows:

33 37-2705. SCHEDULE I. (a) The controlled substances listed in this sec-
34 tion are included in schedule I.

35 (b) Any of the following opiates, including their isomers, esters,
36 ethers, salts, and salts of isomers, esters, and ethers, unless specifically
37 excepted, whenever the existence of these isomers, esters, ethers and salts
38 is possible within the specific chemical designation:

39 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-pip-
40 eridinyl]-N-phenylacetamide);

41 (2) Acetylmethadol;

42 (3) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylac-
43 etamide);

44 (4) Allylprodine;

45 (5) Alphacetylmethadol (except levo-alphacetylmethadol also known as
46 levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);

47 (6) Alphameprodine;

48 (7) Alphamethadol;

49 (8) Alpha-methylfentanyl;

- 1 (9) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperid-
2 eridiny]l)-N-phenylpropanamide);
- 3 (10) Benzethidine;
- 4 (11) Betacetylmethadol;
- 5 (12) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperid-
6 inyl]-N-phenylpropanamide);
- 7 (13) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-
8 methyl-4-piperidiny]l)-N-phenylpropanamide);
- 9 (14) Betameprodine;
- 10 (15) Betamethadol;
- 11 (16) Betaprodine;
- 12 (17) Clonitazene;
- 13 (18) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
14 clopentanecarboxamide);
- 15 (19) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcy-
16 clopropanecarboxamide);
- 17 (20) Dextromoramide;
- 18 (21) Diampromide;
- 19 (22) Diethylthiambutene;
- 20 (23) Difenoxin;
- 21 (24) Dimenoxadol;
- 22 (25) Dimepheptanol;
- 23 (26) Dimethylthiambutene;
- 24 (27) Dioxaphetyl butyrate;
- 25 (28) Dipipanone;
- 26 (29) Ethylmethylthiambutene;
- 27 (30) Etonitazene;
- 28 (31) Etoxidine;
- 29 (32) Fentanyl-related substances. "Fentanyl-related substances"
30 means any substance not otherwise listed and for which no exemption or
31 approval is in effect under section 505 of the federal food, drug, and
32 cosmetic act, 21 U.S.C. 355, and that is structurally related to fen-
33 tanyl by one (1) or more of the following modifications:
 - 34 i. Replacement of the phenyl portion of the phenethyl group by any
35 monocycle, whether or not further substituted in or on the monocycle;
36
 - 37 ii. Substitution in or on the phenethyl group with alkyl, alkenyl,
38 alkoxy, hydroxy, halo, haloalkyl, amino, or nitro groups;
 - 39 iii. Substitution in or on the piperidine ring with alkyl,
40 alkenyl, alkoxy, ester, ether, hydroxy, halo, haloalkyl, amino,
41 or nitro groups;
 - 42 iv. Replacement of the aniline ring with any aromatic monocycle,
43 whether or not further substituted in or on the aromatic monocycle;
44 and/or
 - 45 v. Replacement of the N-propionyl group by another acyl group;
- 46 (33) Furethidine;
- 47 (34) Hydroxypethidine;
- 48 (35) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-
49 phenylisobutyramide);
- 50 (36) Ketobemidone;

- 1 (37) Levomoramide;
 2 (38) Levophenacymorphan;
 3 (39) 3-Methylfentanyl;
 4 (40) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide];
 5
 6 (41) Morpheridine;
 7 (42) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 8 (43) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
 9 (44) Noracymethadol;
 10 (45) Norlevorphanol;
 11 (46) Normethadone;
 12 (47) Norpipanone;
 13 (48) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) acetamide);
 14
 15 (49) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide);
 16
 17 (50) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
 18
 19 (51) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide);
 20
 21 (52) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide);
 22
 23 (53) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 24 (54) Phenadoxone;
 25 (55) Phenampromide;
 26 (56) Phenomorphan;
 27 (57) Phenoperidine;
 28 (58) Piritramide;
 29 (59) Proheptazine;
 30 (60) Properidine;
 31 (61) Propiram;
 32 (62) Racemoramide;
 33 (63) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);
 34
 35 (64) Tilidine;
 36 (65) Trimeperidine;
 37 (66) u-47700 (3,4-Dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide);
 38
 39 (67) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide).
 40
 41 (c) Any of the following opium derivatives, their salts, isomers and
 42 salts of isomers, unless specifically excepted, whenever the existence of
 43 these salts, isomers and salts of isomers is possible within the specific
 44 chemical designation:
 45 (1) Acetorphine;
 46 (2) Acetyldihydrocodeine;
 47 (3) Benzylmorphine;
 48 (4) Codeine methylbromide;
 49 (5) Codeine-N-Oxide;
 50 (6) Cyprenorphine;

- 1 (7) Desomorphine;
- 2 (8) Dihydromorphine;
- 3 (9) Drotebanol;
- 4 (10) Etorphine (except hydrochloride salt);
- 5 (11) Heroin;
- 6 (12) Hydromorphinol;
- 7 (13) Methyldesorphine;
- 8 (14) Methyldihydromorphine;
- 9 (15) Morphine methylbromide;
- 10 (16) Morphine methylsulfonate;
- 11 (17) Morphine-N-Oxide;
- 12 (18) Myrophine;
- 13 (19) Nicocodeine;
- 14 (20) Nicomorphine;
- 15 (21) Normorphine;
- 16 (22) Pholcodine;
- 17 (23) Thebacon.

18 (d) Hallucinogenic substances. Any material, compound, mixture or
19 preparation which contains any quantity of the following hallucinogenic
20 substances, their salts, isomers and salts of isomers, unless specifically
21 excepted, whenever the existence of these salts, isomers, and salts of iso-
22 mers is possible within the specific chemical designation (for purposes of
23 this paragraph only, the term "isomer" includes the optical, position and
24 geometric isomers):

- 25 (1) Dimethoxyphenethylamine, or any compound not specifically
26 excepted or listed in another schedule that can be formed from
27 dimethoxyphenethylamine by replacement of one (1) or more hydrogen
28 atoms with another atom(s), functional group(s) or substructure(s)
29 including, but not limited to, compounds such as DOB, DOC, 2C-B,
30 25B-NBOMe;
- 31 (2) Methoxyamphetamine or any compound not specifically excepted or
32 listed in another schedule that can be formed from methoxyamphetamine
33 by replacement of one (1) or more hydrogen atoms with another atom(s),
34 functional group(s) or substructure(s) including, but not limited to,
35 compounds such as PMA and DOM;
- 36 (3) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 37 (4) 5-methoxy-N,N-diisopropyltryptamine;
- 38 (5) Amphetamine or methamphetamine with a halogen substitution on the
39 benzyl ring, including compounds such as fluorinated amphetamine and
40 fluorinated methamphetamine;
- 41 (6) 3,4-methylenedioxy amphetamine;
- 42 (7) 3,4-methylenedioxymethamphetamine (MDMA);
- 43 (8) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-
44 hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-
45 hyl MDA, MDE, MDEA);
- 46 (9) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hyd-
47 roxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hyd-
48 roxy MDA);
- 49 (10) 3,4,5-trimethoxy amphetamine;

- 1 (11) 5-methoxy-N,N-dimethyltryptamine (also known as 5-methoxy-3-2[2-
2 (dimethylamino)ethyl]indole and 5-MeO-DMT);
3 (12) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-am-
4 inobutyl) indole);
5 (13) Alpha-methyltryptamine;
6 (14) Bufotenine;
7 (15) Diethyltryptamine (DET);
8 (16) Dimethyltryptamine (DMT);
9 (17) Ibogaine;
10 (18) Lysergic acid diethylamide;
11 (19) Marihuana;
12 (20) Mescaline;
13 (21) Parahexyl;
14 (22) Peyote;
15 (23) N-ethyl-3-piperidyl benzilate;
16 (24) N-methyl-3-piperidyl benzilate;
17 (25) Psilocybin;
18 (26) Psilocyn;
19 (27) Tetrahydrocannabinols or synthetic equivalents of the substances
20 contained in the plant, or in the resinous extractives of Cannabis, sp.
21 and/or synthetic substances, derivatives, and their isomers with simi-
22 lar chemical structure such as the following:
23 i. Tetrahydrocannabinols, except for tetrahydrocannabinols in
24 hemp:
25 a. Δ^1 cis or trans tetrahydrocannabinol, and their opti-
26 cal isomers, excluding dronabinol in sesame oil and encapsu-
27 lated in either a soft gelatin capsule or in an oral solution
28 in a drug product approved by the U.S. Food and Drug Adminis-
29 tration.
30 b. Δ^6 cis or trans tetrahydrocannabinol, and their optical
31 isomers.
32 c. $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical
33 isomers. (Since nomenclature of these substances is not in-
34 ternationally standardized, compounds of these structures,
35 regardless of numerical designation of atomic positions are
36 covered.)
37 d. [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2methyl-
38 loctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-
39 1-ol)], also known as 6aR-trans-3-(1,1-dimethylhep-
40 tyl)-6a,7,10,10a-tetrahydro-1-hydroxy-6,6-dimethyl-6H-
41 dibenzo[b,d]pyran-9-methanol (HU-210) and its geometric
42 isomers (HU211 or dexanabinol).
43 ii. The following synthetic drugs:
44 a. Any compound structurally derived from (1H-indole-3-
45 yl)(cycloalkyl, cycloalkenyl, aryl)methanone, or (1H-in-
46 dole-3-yl)(cycloalkyl, cycloalkenyl, aryl)methane, or
47 (1H-indole-3-yl)(cycloalkyl, cycloalkenyl, aryl), methyl
48 or dimethyl butanoate, amino-methyl (or dimethyl)-1-oxobu-
49 tan-2-yl) carboxamide by substitution at the nitrogen atoms
50 of the indole ring or carboxamide to any extent, whether or

- 1 not further substituted in or on the indole ring to any extent,
2 whether or not substituted to any extent in or on the
3 cycloalkyl, cycloalkenyl, aryl ring(s) (substitution in the
4 ring may include, but is not limited to, heteroatoms such as
5 nitrogen, sulfur and oxygen).
- 6 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the
7 pyrrole ring to any extent, whether or not further substituted
8 in the pyrrole ring to any extent, whether or not substituted
9 in the naphthyl ring to any extent.
- 10 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene
11 ring to any extent, whether or not further substituted
12 in the indene ring to any extent, whether or not substituted
13 in the naphthyl ring to any extent.
- 14 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the
15 indole ring to any extent, whether or not further substituted
16 in the indole ring to any extent, whether or not substituted
17 in the phenyl ring to any extent.
- 18 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the
19 phenolic ring to any extent, whether or not substituted in
20 the cyclohexyl ring to any extent.
- 21 f. Any compound structurally derived from 3-(benzoyl)indole structure with substitution at the nitrogen atom of
22 the indole ring to any extent, whether or not further substituted
23 in the indole ring to any extent and whether or not substituted
24 in the phenyl ring to any extent.
- 25 g. [2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrol-
26 o[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone
27 (WIN-55,212-2).
- 28 h. 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (HU-
29 243).
- 30 i. [(6S, 6aR, 9R, 10aR)-9-hydroxy-6-methyl-3-[(2R)-
31 5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydro-
32 phenanthridin-1-yl]acetate (CP 50,5561).
- 33 (28) Ethylamine analog of phencyclidine: N-ethyl-1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 34 (29) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -
35 pyrrolidine, PCPy, PHP;
- 36 (30) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-
37 piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;
- 38 (31) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;
- 39 (32) Spores or mycelium capable of producing mushrooms that contain
40 psilocybin or psilocin.
- 41 (e) Unless specifically excepted or unless listed in another schedule,
42 any material, compound, mixture or preparation which contains any quantity
43 of the following substances having a depressant effect on the central ner-
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1 vous system, including its salts, isomers, and salts of isomers whenever the
2 existence of such salts, isomers, and salts of isomers is possible within the
3 specific chemical designation:

4 (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
5 ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sod-
6 ium oxybate; sodium oxybutyrate);

7 (2) Flunitrazepam (also known as "R2," "Rohypnol");

8 (3) Mecloqualone;

9 (4) Methaqualone.

10 (f) Stimulants. Unless specifically excepted or unless listed in an-
11 other schedule, any material, compound, mixture, or preparation which con-
12 tains any quantity of the following substances having a stimulant effect on
13 the central nervous system, including its salts, isomers, and salts of iso-
14 mers:

15 (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
16 azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);

17 (2) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alp-
18 ha-aminopropiophenone, 2-aminopropiophenone and norephedrone);

19 (3) Substituted cathinones. Any compound, except bupropion or com-
20 pounds listed under a different schedule, structurally derived from
21 2-aminopropan-1-one by substitution at the 1-position with either
22 phenyl, naphthyl or thiophene ring systems, whether or not the compound
23 is further modified in any of the following ways:

24 i. By substitution in the ring system to any extent with alkyl,
25 alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide sub-
26 stituents, whether or not further substituted in the ring system
27 by one (1) or more other univalent substituents;

28 ii. By substitution at the 3-position with an acyclic alkyl sub-
29 stituent;

30 iii. By substitution at the 2-amino nitrogen atom with alkyl,
31 dialkyl, benzyl or methoxybenzyl groups, or by inclusion of the
32 2-amino nitrogen atom in a cyclic structure.

33 (4) Fenethylamine;

34 (5) Methcathinone (some other names: 2-(methyl-amino)-propioph-
35 enone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
36 464, AL-422, AL-463 and UR1423);

37 (6) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
38 phenyl-2-oxazolamine];

39 (7) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

40 (8) N-ethylamphetamine;

41 (9) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-ben-
42 zeneethanamine).

43 SECTION 3. An emergency existing therefor, which emergency is hereby
44 declared to exist, this act shall be in full force and effect on and after its
45 passage and approval.