

THE CITY OF PROVIDENCE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

# RESOLUTION OF THE CITY COUNCIL

No. 140

Approved March 28, 2013

WHEREAS, Synthetic drugs sold in convenience stores and by other retailers have been reported to cause serious health problems and death to individuals who ingest them; and

WHEREAS, Synthetic cannabinoids, known as synthetic marijuana, and cathinone derivatives, known as "bath salts," mimic the effects of marijuana, opiates, and other controlled substances, and are marketed to teens and young adults; and

WHEREAS, These products are widely available for purchase at retailers in the city of Providence, and as such, pose a serious public health and safety risk to city residents; and

WHEREAS, Nearly every state and the federal government have passed laws to prohibit the possession and sale of such substances, but manufacturers of these synthetic drugs continue to modify their chemical compounds, and mark the products as "not for human consumption" to evade the laws' parameters; and

WHEREAS, The United States Drug Enforcement Agency has recommended that states incorporate generic language to allow drugs within certain categories to be banned, even if their chemical compounds are modified; and

WHEREAS, Rhode Island House Bill 5325 Sub A incorporates such generic language, and adds synthetic cannabinoids and cathinone derivatives to Schedule I of controlled substances in Rhode Island; and

WHEREAS, The lead sponsor of House Bill 5325 Sub A, and chairman of the House Committee on Health, Education, and Welfare, Representative Joseph M. McNamara, testified at a hearing on the bill that three Rhode Islanders had died in the past year after using "bath salts"; and

WHEREAS, Rhode Island Attorney General Peter F. Kilmartin supports the adoption of this legislation; and

WHEREAS, The House Committee on Judiciary voted to recommend passage of House Bill 5325 Sub A on March 12, 2013, and subsequently, the House of Representatives will vote on the bill on March 26, 2013.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Providence does hereby urge the General Assembly to approve House Bill 5325 Sub A; and

BE IT FURTHER RESOLVED, That upon passage, copies of this resolution be sent to Speaker of the House Gordon D. Fox, Majority Leader Nicholas A. Mattiello, the sponsors of House Bill 5325 Sub A, Senate President M. Teresa Paiva-Weed, Senate Majority Leader Dominick J. Ruggerio, and the entire Providence delegation.

IN CITY COUNCIL

MAR 21 2013

READ AND PASSED

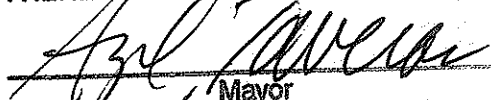


PRES.



CLERK

I HEREBY APPROVE

  
Mayor

Date: 3/28/13

2013 -- H 5325 SUBSTITUTE A

LC00952/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

AN ACT

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCES ACT

Introduced By: Representatives McNamara, Corvese, Cimini, Bennett, and Silva

Date Introduced: February 07, 2013

Referred To: House Judiciary

(Attorney General)

It is enacted by the General Assembly as follows:

1           SECTION 1. Sections 21-28-1.0.2 and 21-28-2.0.8 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, chiroprapist, 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) Hydromorphenol  
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: TCP

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-enedioxy-methamphetamine (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-phenyl-propanamid e (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-phenylpro panamide (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-phenylpro- panamide (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)-propanamid e (para-  
14 fluorofentanyl), its optical isomers, salts and salts of isomers.

15 (16) Gamma hydroxybutyrate, HOOC-CH<sub>2</sub>-CH<sub>2</sub>-CH<sub>2</sub>OH, 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) Fenethylline

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; dexamabinol (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) Naphthylmethylindenes: 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, alkylenedioxy, 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-Methylenedioxycathinone (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  $\alpha$ -  
33 Pyrrolidinopropiophenone ( $\alpha$ -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-phenylcyclohexylamine

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) Chorionic gonadotropin

19 (2) Clostebol

20 (3) Dehydrochloromethyltestosterone

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) Barbitol.
- 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   propionoxybutane).  
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 loflazepate  
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.

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LC00952/SUB A

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

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

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LC00952/SUB A  
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