

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 54.1-3446 and 54.1-3450 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-251.3, relating to drug schedules; possession of a "date rape" drug; penalties.*

[H 280]

Approved

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 54.1-3446 and 54.1-3450 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-251.3 as follows:**

*§ 18.2-251.3. Possession and distribution of gamma-butyrolactone; 1, 4 - butanediol; enhanced penalty.*

*Any person who knowingly manufactures, sells, gives, distributes or possesses with the intent to distribute the substances gamma-butyrolactone; or 1, 4 - butanediol, when intended for human consumption shall be guilty of a Class 3 felony.*

*§ 54.1-3446. Schedule I.*

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;

Allylprodine;

Alphamethylfentanyl;

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

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxadine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacetylmorphan;

Morpheridine;

Noracetylmethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Phenadoxone;

Phenampromide;

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57 Phenomorphan;  
 58 Phenoperidine;  
 59 Piritramide;  
 60 Proheptazine;  
 61 Properidine;  
 62 Propiram;  
 63 Racemoramide;  
 64 Trimeperidine.

65 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
 66 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
 67 within the specific chemical designation:

68 Acetorphine;  
 69 Acetyldihydrocodeine;  
 70 Benzylmorphine;  
 71 Codeine methylbromide;  
 72 Codeine-N-Oxide;  
 73 Cyprenorphine;  
 74 Desomorphine;  
 75 Dihydromorphine;  
 76 Drotebanol;  
 77 Etorphine;  
 78 Heroin;  
 79 Hydromorphanol;  
 80 Methyl-desorphine;  
 81 Methyl-dihydromorphine;  
 82 Morphine methylbromide;  
 83 Morphine methylsulfonate;  
 84 Morphine-N-Oxide;  
 85 Myrophine;  
 86 Nicocodeine;  
 87 Nicomorphine;  
 88 Normorphine;  
 89 Phoclo-dine;  
 90 Thebacon.

91 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
 92 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
 93 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
 94 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
 95 only, the term "isomer" includes the optical, position, and geometric isomers):

96 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;  
 97 3-[2-aminobutyl] indole; a-ET; AET);  
 98 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 99 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);  
 100 3,4-methylenedioxy amphetamine;  
 101 5-methoxy-3,4-methylenedioxy amphetamine;  
 102 3,4,5-trimethoxy amphetamine;  
 103 Bufotenine;  
 104 Diethyltryptamine;  
 105 Dimethyltryptamine;  
 106 4-methyl-2,5-dimethoxyamphetamine;  
 107 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 108 Ibogaine;  
 109 Lysergic acid diethylamide;  
 110 Mescaline;  
 111 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,  
 112 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);  
 113 Peyote;  
 114 N-ethyl-3-piperidyl benzilate;  
 115 N-methyl-3-piperidyl benzilate;  
 116 Psilocybin;  
 117 Psilocyn;

- 118 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated  
 119 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
 120 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);  
 121 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 122 2,5-DMA);  
 123 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 124 and salts of isomers;  
 125 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
 126 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 127 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
 128 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 129 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
 130 paramethoxyamphetamine; PMA);  
 131 N-ethyl analog of phencyclidine;  
 132 Pyrrolidine analog of phencyclidine;  
 133 Thiophene analog of phencyclidine.  
 134 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 135 or preparation which contains any quantity of the following substances having a depressant effect on the  
 136 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such  
 137 salts, isomers and salts of isomers is possible within the specific chemical designation:  
 138 *Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;*  
 139 *4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate)*  
 140 Mecloqualone;  
 141 Methaqualone.  
 142 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 143 or preparation which contains any quantity of the following substances having a stimulant effect on the  
 144 central nervous system, including its salts, isomers and salts of isomers:  
 145 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,  
 146 5-dihydro-5-phenyl-2-oxazolamine);  
 147 Fenethylline;  
 148 Ethylamphetamine;  
 149 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
 150 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;  
 151 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)  
 152 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;  
 153 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR  
 154 1432).  
 155 6. Any material, compound, mixture or preparation containing any quantity of the following  
 156 substances:  
 157 3-methylfentanyl-(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide), its optical and  
 158 geometric isomers, salts, and salts of isomers;  
 159 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers;  
 160 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of  
 161 isomers;  
 162 N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl), its  
 163 optical isomers, salts and salts of isomers;  
 164 N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (alpha-methylthiofentanyl), its  
 165 optical isomers, salts and salts of isomers;  
 166 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of  
 167 isomers;  
 168 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (beta-hydroxyfentanyl), its optical  
 169 isomers, salts and salts of isomers;  
 170 N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide  
 171 (beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;  
 172 N-[3-methyl-1-(2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (3-methylthiofentanyl), its optical  
 173 and geometric isomers, salts and salts of isomers;  
 174 N-[1-(2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (phenylfentanyl), its optical isomers, salts  
 175 and salts of isomers;  
 176 N-[1-(2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (thiofentanyl), its optical isomers, salts and  
 177 salts of isomers.  
 178 § 54.1-3450. Schedule III.

179 The controlled substances listed in this section are included in Schedule III:

180 1. Unless specifically exempted or listed in another schedule, any material, compound, mixture, or  
181 preparation which contains any quantity of the following substances having a depressant effect on the  
182 central nervous system:

183 Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a  
184 derivative of barbituric acid, except those substances which are specifically listed in other schedules;

185 Any compound, mixture or preparation containing amobarbital, secobarbital, or pentobarbital or any  
186 salt of amobarbital, secobarbital, or pentobarbital and one or more other active medicinal ingredients  
187 which are not listed in Schedules II through V;

188 Any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of  
189 amobarbital, secobarbital, or pentobarbital and approved by the Food and Drug Administration for  
190 marketing only as a suppository;

191 Chlorhexadol;

192 *Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of*  
193 *isomers, for which an application is approved under section 505 of the Federal Food, Drug, and*  
194 *Cosmetic Act;*

195 Lysergic acid;

196 Lysergic acid amide;

197 Methyprylon;

198 Sulfondiethylmethane;

199 Sulfonethylmethane;

200 Sulfonmethane;

201 Tiletamine - zolazepam or any salt thereof;

202 Nalorphine.

203 2. Any material, compound, mixture, or preparation containing limited quantities of any of the  
204 following narcotic drugs, or any salts thereof:

205 Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90  
206 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

207 Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90  
208 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic  
209 amounts;

210 Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not  
211 more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid  
212 of opium;

213 Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not  
214 more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized  
215 therapeutic amounts;

216 Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than  
217 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized  
218 therapeutic amounts;

219 Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more  
220 than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

221 Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25  
222 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic  
223 amounts;

224 Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams  
225 with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

226 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
227 or preparation which contains any quantity of the following substances having a stimulant effect on the  
228 central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of  
229 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the  
230 specific chemical designation:

231 Benzphetamine;

232 Chlorphentermine;

233 Clortermine;

234 Phendimetrazine.

235 4. The Board may except by regulation any compound, mixture, or preparation containing any  
236 stimulation or depressant substance listed in subdivision 1 from the application of all or any part of this  
237 chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not  
238 having a stimulant or depressant effect on the central nervous system, and if the admixtures are included  
239 therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the

substances which have a stimulant or depressant effect on the central nervous system.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts of isomers is possible within the specific chemical designation:

Anabolic steroids, including, but not limited to:

- Boldenone (Dehydrotestosterone);
- Clostebol (4-Chlorotestosterone) (Chlorotestosterone);
- Dromostanolone (Drostanolone);
- Ethylestrenol;
- Fluoxymesterone;
- Formyldienolone (Formebolone);
- Mesterolone;
- Methandriol (methylandrostenediol);
- Methandrostenolone (Methandienone) (Dehydromethyltestosterone);
- Methenolone;
- 17-Methyltestosterone (Methyltestosterone);
- Mibolerone;
- Nandrolone (19-Nortestosterone);
- Norethandrolone;
- Oxandrolone;
- Oxymesterone (Oxymestron);
- Oxymetholone (Anasterone);
- Stanolone (4-Dihydrotestosterone) (Dihydrotestosterone);
- Stanozolol (Androstanazole);
- Testolactone (1-Dehydrotestololactone);
- Testosterone;
- Trenbolone (Trienbolone) (Trienolone); and

Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. However, such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the United States Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes any such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this subdivision.

**2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 in FY 2010.**