

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 423

An Act to amend and reenact §§ 54.1-3448, 54.1-3450, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Schedule II, Schedule III, Schedule IV, and Schedule V drugs.

[H 953]

Approved April 11, 2010

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3448, 54.1-3450, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3448. Schedule II.

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

1. Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine, nalmefene, naloxone naltrexone and their respective salts, but including the following:

Raw opium;

Opium extracts;

Opium fluid extracts;

Powdered opium;

Granulated opium;

Tincture of opium;

Codeine;

Dihydroetorphine;

Ethylmorphine;

Etorphine hydrochloride;

Hydrocodone;

Hydromorphone;

Metopon;

Oripavine (3-O-demethylthebaine or 6,7,8,14-tetradehydro-4,5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);

Morphine;

Oxycodone;

Oxymorphone;

Thebaine.

Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium.

Opium poppy and poppy straw.

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt or isomer thereof.

Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrene alkaloids of the opium poppy.

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

Alfentanil;

Alphaprodine;

Anileridine;

Bezitramide;

Bulk dextropropoxyphene (nondosage forms);

Carfentanil;

Dihydrocodeine;

Diphenoxylate;

Fentanyl;

Isomethadone;

Levo-alphaacetylmethadol (levo-alpha-acetylmethadol)
 (levomethadyl acetate) (LAAM);
 Levomethorphan;
 Levorphanol;
 Metazocine;
 Methadone;
 Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
 Pethidine (other name: meperidine);
 Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;
 Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;
 Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 Phenazocine;
 Piminodine;
 Racemethorphan;
 Racemorphan;
 Remifentanyl;
 Sufentanyl;
Tapentadol.

3. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers, and salts of its optical isomers;
 Phenmetrazine and its salts;

Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

Methylphenidate;
 Lisdexamfetamine, its salts, isomers, and salts of its isomers.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital;
 Glutethimide;
 Secobarbital;
 Pentobarbital;
 Phencyclidine.

5. The following hallucinogenic substance:

Nabilone.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances which are immediate precursors to amphetamine and methamphetamine or phencyclidine:

Phenylacetone;
 1-phenylcyclohexylamine;
 1-piperidinocyclohexanecarbonitrile (other name: PCC).

§ 54.1-3450. Schedule III.

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

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

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

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

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

Chlorhexadol;

Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355);

Embutramide;

Ketamine, its salts, isomers, and salts of isomers (some other names: [+-]
 -2-[2-chlorophenyl]-2-[methylamino]-cyclohexanone);

Lysergic acid;
 Lysergic acid amide;
 Methyprylon;
 Sulfondiethylmethane;
 Sulfonethylmethane;
 Sulfonmethane; and
 Tiletamine - zolazepam combination product or any salt thereof.

2. Nalorphine.

3. Unless specifically excepted or unless listed in another schedule:

a. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts thereof:

Buprenorphine.

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

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

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

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

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

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

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

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

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

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

Benzphetamine;
 Chlorphentermine;
 Clortermine;
 Phendimetrazine.

5. The Board may except by regulation any compound, mixture, or preparation containing any stimulation or depressant substance listed in subsection A from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included 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.

6. 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:

3beta,17-dihydroxy-5a-androstane;
 3alpha,17beta-dihydroxy-5a-androstane;
 5alpha-androstan-3,17-dione;
 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);
 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
 4-androstenedione (androst-4-en-3,17-dione);

5-androstenedione (androst-5-en-3,17-dione);
 Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
 Boldenone (Dehydrotestosterone) (17beta-hydroxyandrost-1,4,-diene-3-one);
Boldione (androsta-1, 4-diene-3, 17-dione);
 Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
 Clostebol (4-Chlorotestosterone) (Chlorotestosterone) (4-chloro-17beta-hydroxyandrost-4-en-3-one);
 Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
 Delta1-dihydrotestosterone (1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
Desoxymethyltestosterone (madol) (17alpha-methyl-5alpha-androst-2-en-17beta-ol);
 Dromostanolone (Drostanolone) (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
 Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
 Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);
 Formyldienolone (Formebolone) (2-formyl-17alpha-methyl-11alpha,
 17beta-dihydroxyandrost-1,4-dien-3-one);
 Furazabol (17alpha-methyl-17beta-hydroxyandrostan-2,3-c]-furazan);
 13-beta-ethyl-17alpha-hydroxygon-4-en-3-one;
 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
 Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
 Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
 Methandriol (methylandrostenediol) (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
 Methandrostenolone (Methandienone) (Dehydromethyltestosterone)
 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);
 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
 Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
 17-Methyltestosterone (Methyltestosterone) (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)
 (17-alpha-methyl-1-testosterone);
 Nandrolone (19-Nortestosterone) (17beta-hydroxyestr-4-en-3-one);
19-no4-4, 9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);
 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
 Oxymesterone (Oxymestron) (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 Oxymetholone (Anasterone) (17alpha-methyl-2-hydroxymethylene-
 17beta-hydroxy-[5alpha]-androstan-3-one);
 Stanolone (4-Dihydrotestosterone) (Dihydrotestosterone) (17beta-hydroxy-androstan-3-one);
 Stanozolol (Androstanazole) (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyraz ole);
 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
 Testolactone (1-Dehydrotestololactone) (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
 lactone);
 Testosterone (17beta-hydroxyandrost-4-en-3-one);
 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
 Trenbolone (Trienbolone) (Trienolone) (17beta-hydroxyestr-4,9,11-trien-3-one); and

Any salt, ester, or ether of a drug or substance described or listed in this paragraph. 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 subsection.

7. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alprazolam;
 Barbitol;
 Bromazepam;
 Camazepam;
 Chloral betaine;
 Chloral hydrate;
 Chlordiazepoxide;
 Clobazam;
 Clonazepam;
 Clorazepate;
 Clotiazepam;
 Cloxazolam;
 Delorazepam;
 Diazepam;
 Dichloralphenazone;
 Estazolam;
 Ethchlorvynol;
 Ethinamate;
 Ethyl loflazepate;
 Fludiazepam;
 Flunitrazepam;
 Flurazepam;
Fospropofol;
 Halazepam;
 Haloxazolam;
 Ketazolam;
 Loprazolam;
 Lorazepam;
 Lormetazepam;
 Mebutamate;
 Medazepam;
 Methohexital;
 Meprobamate;
 Methylphenobarbital;
 Midazolam;
 Nimetazepam;
 Nitrazepam;
 Nordiazepam;
 Oxazepam;
 Oxazolam;
 Paraldehyde;
 Petrichloral;
 Phenobarbital;
 Pinazepam;
 Prazepam;
 Quazepam;
 Temazepam;
 Tetrazepam;
 Triazolam;
 Zaleplon;
 Zolpidem;
 Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,

or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;
 Diethylpropion;
 Fencamfamin;
 Fenproporex;
 Mazindol;
 Mefenorex;
 Modafinil;
 Phentermine;
 Pemoline (including organometallic complexes and chelates thereof);
 Pipradrol;
 Sibutramine;
 SPA (-)-1-dimethylamino-1, 2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxy butane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);
 Pentazocine.

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

§ 54.1-3454. Schedule V.

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

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

The Board may except by regulation any compound, mixture or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter and such substances so excepted may be dispensed pursuant to § 54.1-3416.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Pyrovalerone.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].