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HOUSE BILL NO. 953

Offered January 13, 2010

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A *BILL 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.*

 Patron—Jones

 Referred to Committee on Health, Welfare and Institutions

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, nalmeferne, 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-tetrahydro-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;

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59 Dihydrocodeine;
60 Diphenoxylate;
61 Fentanyl;
62 Isomethadone;
63 Levo-alpha-acetylmethadol (levo-alpha-acetylmethadol)
64 (levomethadyl acetate) (LAAM);
65 Levomethorphan;
66 Levorphanol;
67 Metazocine;
68 Methadone;
69 Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
70 Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
71 Pethidine (other name: meperidine);
72 Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;
73 Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;
74 Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
75 Phenazocine;
76 Piminodine;
77 Racemethorphan;
78 Racemorphan;
79 Remifentanyl;
80 Sufentanyl;
81 *Tapentadol*.

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

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

85 Phenmetrazine and its salts;

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

88 Methylphenidate;

89 Lisdexamfetamine, its salts, isomers, and salts of its isomers.

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

94 Amobarbital;

95 Glutethimide;

96 Secobarbital;

97 Pentobarbital;

98 Phencyclidine.

99 5. The following hallucinogenic substance:

100 Nabilone.

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

104 Phenylacetone;

105 1-phenylcyclohexylamine;

106 1-piperidinocyclohexanecarbonitrile (other name: PCC).

107 § 54.1-3450. Schedule III.

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

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

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

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

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

120 Chlorhexadol;

121 Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of
122 isomers, for which an application is approved under section 505 of the Federal Food, Drug, and
123 Cosmetic Act (21 U.S.C. § 355);
124 Embutramide;
125 Ketamine, its salts, isomers, and salts of isomers (some other names: [+]
126 -2-[2-chlorophenyl]-2-[methylamino]-cyclohexanone);
127 Lysergic acid;
128 Lysergic acid amide;
129 Methypylon;
130 Sulfondiethylmethane;
131 Sulfonethylmethane;
132 Sulfonmethane; and
133 Tiletamine - zolazepam combination product or any salt thereof.
134 2. Nalorphine.
135 3. Unless specifically excepted or unless listed in another schedule:
136 a. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or
137 their salts thereof:
138 Buprenorphine.
139 b. Any material, compound, mixture, or preparation containing limited quantities of any of the
140 following narcotic drugs, or any salts thereof:
141 Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90
142 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;
143 Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90
144 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
145 amounts;
146 Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100
147 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an
148 isoquinoline alkaloid of opium;
149 Not more than 300 milligrams of dihydrocodeinone (hydrocodone), or any of its salts, per 100
150 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic
151 ingredients in recognized therapeutic amounts;
152 Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than
153 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
154 therapeutic amounts;
155 Not more than 300 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or not more
156 than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;
157 Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25
158 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic
159 amounts;
160 Not more than 50 milligrams of morphine, or any of its salts, per 100 milliliters or per 100 grams
161 with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
162 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
163 or preparation which contains any quantity of the following substances having a stimulant effect on the
164 central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of
165 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the
166 specific chemical designation:
167 Benzphetamine;
168 Chlorphentermine;
169 Clortermine;
170 Phendimetrazine.
171 5. The Board may except by regulation any compound, mixture, or preparation containing any
172 stimulation or depressant substance listed in subsection A from the application of all or any part of this
173 chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not
174 having a stimulant or depressant effect on the central nervous system, and if the admixtures are included
175 therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
176 substances which have a stimulant or depressant effect on the central nervous system.
177 6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
178 or preparation containing any quantity of the following substances, including its salts, isomers, and salts
179 of isomers whenever the existence of such salts of isomers is possible within the specific chemical
180 designation:
181 Anabolic steroids, including, but not limited to:

- 182 3beta,17-dihydroxy-5a-androstane;
 183 3alpha,17beta-dihydroxy-5a-androstane;
 184 5alpha-androstan-3,17-dione;
 185 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
 186 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
 187 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);
 188 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
 189 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
 190 4-androstenedione (androst-4-en-3,17-dione);
 191 5-androstenedione (androst-5-en-3,17-dione);
 192 Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
 193 Boldenone (Dehydrotestosterone) (17beta-hydroxyandrost-1,4,-diene-3-one);
 194 *Boldione (androsta-1, 4-diene-3, 17-dione)*;
 195 Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
 196 Clostebol (4-Chlorotestosterone) (Chlorotestosterone) (4-chloro-17beta-hydroxyandrost-4-en-3-one);
 197 Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
 198 Delta1-dihydrotestosterone (1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);
 199 *Desoxymethyltestosterone (madol) (17alpha-methyl-5alpha-androst-2-en-17beta-ol)*;
 200 Dromostanolone (Drostanolone) (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
 201 Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
 202 Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);
 203 *Formyldienolone* (Formebolone)
 204 (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);
 205 Furazabol (17alpha-methyl-17beta-hydroxyandrostan[2,3-c]-furan);
 206 13-beta-ethyl-17alpha-hydroxygon-4-en-3-one;
 207 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
 208 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
 209 Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
 210 Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
 211 Methandriol (methylandrostenediol) (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
 212 *Methandrostenolone (Methandienone) (Dehydromethyltestosterone)*
 213 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
 214 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 215 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
 216 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
 217 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);
 218 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
 219 Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
 220 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
 221 17-Methyltestosterone (Methyltestosterone) (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
 222 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
 223 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)
 224 (17-alpha-methyl-1-testosterone);
 225 Nandrolone (19-Nortestosterone) (17beta-hydroxyestr-4-en-3-one);
 226 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
 227 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
 228 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
 229 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);
 230 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 231 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 232 *19-no4-4, 9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione)*;
 233 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 234 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
 235 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 236 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 237 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
 238 Oxymesterone (Oxymestron) (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 239 *Oxymetholone* (Anasterone)
 240 (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);
 241 Stanolone (4-Dihydrotestosterone) (Dihydrotestosterone) (17beta-hydroxy-androstan-3-one);
 242 Stanozolol (Androstanazole) (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);
 243 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

244 Testolactone (1-Dehydrotestololactone) (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
245 lactone);

246 Testosterone (17beta-hydroxandrost-4-en-3-one);

247 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);

248 Trenbolone (Trienbolone) (Trienolone) (17beta-hydroxyestr-4,9,11-trien-3-one); and

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

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

257 § 54.1-3452. Schedule IV.

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

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

263 Alprazolam;

264 Barbitol;

265 Bromazepam;

266 Camazepam;

267 Chloral betaine;

268 Chloral hydrate;

269 Chlordiazepoxide;

270 Clobazam;

271 Clonazepam;

272 Clorazepate;

273 Clotiazepam;

274 Cloxazolam;

275 Delorazepam;

276 Diazepam;

277 Dichloralphenazone;

278 Estazolam;

279 Ethchlorvynol;

280 Ethinamate;

281 Ethyl loflazepate;

282 Fludiazepam;

283 Flunitrazepam;

284 Flurazepam;

285 *Fospropofol*;

286 Halazepam;

287 Haloxazolam;

288 Ketazolam;

289 Loprazolam;

290 Lorazepam;

291 Lormetazepam;

292 Mebutamate;

293 Medazepam;

294 Methohexital;

295 Meprobamate;

296 Methylphenobarbital;

297 Midazolam;

298 Nimetazepam;

299 Nitrazepam;

300 Nordiazepam;

301 Oxazepam;

302 Oxazolam;

303 Paraldehyde;

304 Petrichloral;

305 Phenobarbital;
306 Pinazepam;
307 Prazepam;
308 Quazepam;
309 Temazepam;
310 Tetrazepam;
311 Triazolam;
312 Zaleplon;
313 Zolpidem;
314 Zopiclone.

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

317 Fenfluramine.

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

323 Cathine (+)-norpseudoephedrine;

324 Diethylpropion;

325 Fencamfamin;

326 Fenproporex;

327 Mazindol;

328 Mefenorex;

329 Modafinil;

330 Phentermine;

331 Pemoline (including organometallic complexes and chelates thereof);

332 Pipradrol;

333 Sibutramine;

334 SPA (-)-1-dimethylamino-1, 2-diphenylethane.

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

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

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

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

343 Butorphanol (including its optical isomers);

344 Pentazocine.

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

351 § 54.1-3454. Schedule V.

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

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

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

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

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

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

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

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

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

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

373 Pyrovalerone.

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

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

378 Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
379
380