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HOUSE BILL NO. 1839

Offered January 14, 2015

Prefiled January 13, 2015

A *BILL to amend and reenact §§ 54.1-3450 and 54.1-3452 of the Code of Virginia, relating to scheduling of certain controlled substances.*

Patron—Robinson

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

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

Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers;

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;

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59 Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than
 60 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized
 61 therapeutic amounts;

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

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

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

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

74 Benzphetamine;

75 Chlorphentermine;

76 Clortermine;

77 Phendimetrazine.

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

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

88 Anabolic steroids, including, but not limited to:

89 3beta,17-dihydroxy-5a-androstane;

90 3alpha,17beta-dihydroxy-5a-androstane;

91 5alpha-androstan-3,17-dione;

92 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

93 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

94 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);

95 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);

96 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);

97 4-androstenedione (androst-4-en-3,17-dione);

98 5-androstenedione (androst-5-en-3,17-dione);

99 Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

100 Boldenone (Dehydrotestosterone)(17beta-hydroxyandrost-1,4,-diene-3-one);

101 Boldione (androsta-1, 4-diene-3, 17-dione);

102 Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

103 Clostebol (4-Chlorotestosterone)(Chlorotestosterone)(4-chloro-17beta-hydroxyandrost-4-en-3-one);

104 Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);

105 Delta1-dihydrotestosterone (1-testosterone)(17beta-hydroxy-5alpha-androst-1-en-3-one);

106 Desoxymethyltestosterone (madol)(17alpha-methyl-5alpha-androst-2-en-17beta-ol);

107 Dromostanolone (Drostanolone)(17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);

108 Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);

109 Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one);

110 F o r m y l d i e n o l o n e

111 (Formebolone)(2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one);

112 Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);

113 13-beta-ethyl-17alpha-hydroxygon-4-en-3-one;

114 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);

115 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);

116 Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);

117 Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

118 Methandriol (methylandrostenediol)(17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);

119 M e t h a n d r o s t e n o l o n e

120 (Methandienone)(Dehydromethyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);

121 Methasterone (2alpha,17alpha-dimethyl-5alpha-androstan-17beta-ol-3-one);
 122 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 123 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
 124 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
 125 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);
 126 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
 127 Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
 128 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
 129 17-Methyltestosterone (Methyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
 130 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
 131 17alpha-methyl-delta1-dihydrotestosterone
 132 (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)(17-alpha-methyl-1-testosterone);
 133 Nandrolone (19-Nortestosterone)(17beta-hydroxyestr-4-en-3-one);
 134 19-nor-4,9(10)-androstadienedione(estra-4,9(10)-diene-3,17-dione);
 135 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
 136 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
 137 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
 138 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);
 139 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 140 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 141 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 142 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
 143 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 144 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 145 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
 146 Oxymesterone (Oxymestron)(17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 147 O x y m e t h o l o n e
 148 (Anasterone)(17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);
 149 Prostanazol (17beta-hydroxy-5alpha-androstano[3,2-c]pyrazole);
 150 Stanolone (4-Dihydrotestosterone)(Dihydrotestosterone)(17beta-hydroxy-androstan-3-one);
 151 Stanazolol (Androstanazole)(17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);
 152 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
 153 Testolactone (1-Dehydrotestololactone)(13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
 154 lactone);
 155 Testosterone (17beta-hydroxandrost-4-en-3-one);
 156 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
 157 Trenbolone (Trienbolone)(Trienolone)(17beta-hydroxyestr-4,9,11-trien-3-one); and
 158 Any salt, ester, or ether of a drug or substance described or listed in this paragraph. However, such
 159 term does not include an anabolic steroid which is expressly intended for administration through
 160 implants to cattle or other nonhuman species and which has been approved by the United States
 161 Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or
 162 distributes any such steroid for human use, such person shall be considered to have prescribed,
 163 dispensed, or distributed an anabolic steroid within the meaning of this subsection.

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

166 **§ 54.1-3452. Schedule IV.**

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

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

172 *Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11,20-dione), previously spelled "alphaxalone," including*
 173 *its salts, isomers, and salts of isomers;*

174 Alprazolam;
 175 Barbitol;
 176 Bromazepam;
 177 Camazepam;
 178 Carisoprodol;
 179 Chloral betaine;
 180 Chloral hydrate;
 181 Chlordiazepoxide;

- 182 Clobazam;
 183 Clonazepam;
 184 Clorazepate;
 185 Clotiazepam;
 186 Cloxazolam;
 187 Delorazepam;
 188 Diazepam;
 189 Dichloralphenazone;
 190 Estazolam;
 191 Ethchlorvynol;
 192 Ethinamate;
 193 Ethyl loflazepate;
 194 Fludiazepam;
 195 Flunitrazepam;
 196 Flurazepam;
 197 Fospropofol;
 198 Halazepam;
 199 Haloxazolam;
 200 Ketazolam;
 201 Loprazolam;
 202 Lorazepam;
 203 Lormetazepam;
 204 Mebutamate;
 205 Medazepam;
 206 Methohexital;
 207 Meprobamate;
 208 Methylphenobarbital;
 209 Midazolam;
 210 Nimetazepam;
 211 Nitrazepam;
 212 Nordiazepam;
 213 Oxazepam;
 214 Oxazolam;
 215 Paraldehyde;
 216 Petrichloral;
 217 Phenobarbital;
 218 Pinazepam;
 219 Prazepam;
 220 Quazepam;
 221 *S u v o r e x a n t*
 222 *([(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone), including its salts, isomers, and salts of isomers;*
 223
 224 Temazepam;
 225 Tetrazepam;
 226 Triazolam;
 227 Zaleplon;
 228 Zolpidem;
 229 Zopiclone.
 230 2. Any compound, mixture or preparation which contains any quantity of the following substances
 231 including any salts or isomers thereof:
 232 Fenfluramine;
 233 Lorcaserin.
 234 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
 235 or preparation which contains any quantity of the following substances having a stimulant effect on the
 236 central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of
 237 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the
 238 specific chemical designation:
 239 Cathine (+)-norpseudoephedrine;
 240 Diethylpropion;
 241 Fencamfamin;
 242 Fenproporex;
 243 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;

2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

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.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2014, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.