

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

[H 1839]

Approved

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;

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

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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);

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

Furazabol (17alpha-methyl-17beta-hydroxyandrostano[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);

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

Methasterone (2alpha,17alpha-dimethyl-5alpha-androstan-17beta-ol-3-one);

- 118 Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
 119 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
 120 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
 121 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene);
 122 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
 123 Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
 124 Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);
 125 17-Methyltestosterone (Methyltestosterone)(17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
 126 Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
 127 17alpha-methyl-delta1-dihydrotestosterone
 128 (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)(17-alpha-methyl-1-testosterone);
 129 Nandrolone (19-Nortestosterone)(17beta-hydroxyestr-4-en-3-one);
 130 19-nor-4,9(10)-androstadienedione(estra-4,9(10)-diene-3,17-dione);
 131 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
 132 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
 133 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
 134 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);
 135 19-nor-4-androstenedione (estr-4-en-3,17-dione);
 136 19-nor-5-androstenedione (estr-5-en-3,17-dione);
 137 Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
 138 Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
 139 Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
 140 Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
 141 Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androst-3-one);
 142 Oxymesterone (Oxymestron)(17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);
 143 O x y m e t h o n e
 144 (Anasterone)(17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androst-3-one);
 145 Prostanazol (17beta-hydroxy-5alpha-androstano[3,2-c]pyrazole);
 146 Stanolone (4-Dihydrotestosterone)(Dihydrotestosterone)(17beta-hydroxy-androst-3-one);
 147 Stanazolol (Androstanazole)(17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);
 148 Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
 149 Testolactone (1-Dehydrotestololactone)(13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid
 150 lactone);
 151 Testosterone (17beta-hydroxandrost-4-en-3-one);
 152 Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
 153 Trenbolone (Trienbolone)(Trienolone)(17beta-hydroxyestr-4,9,11-trien-3-one); and
 154 Any salt, ester, or ether of a drug or substance described or listed in this paragraph. However, such
 155 term does not include an anabolic steroid which is expressly intended for administration through
 156 implants to cattle or other nonhuman species and which has been approved by the United States
 157 Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or
 158 distributes any such steroid for human use, such person shall be considered to have prescribed,
 159 dispensed, or distributed an anabolic steroid within the meaning of this subsection.

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

162 **§ 54.1-3452. Schedule IV.**

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

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

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

170 Alprazolam;

171 Barbitol;

172 Bromazepam;

173 Camazepam;

174 Carisoprodol;

175 Chloral betaine;

176 Chloral hydrate;

177 Chlordiazepoxide;

178 Clobazam;

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