

LD8259364

**HOUSE BILL NO. 844**

Offered January 25, 1994

A *BILL to amend and reenact §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to the Drug Control Act.*

\_\_\_\_\_  
Patrons—Morgan and Shuler

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Referred to Committee on Health, Welfare and Institutions

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

**1. That §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:**

§ 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-alpha-acetylmethadol, 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;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

Morpheridine;

Noracymethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Phenadoxone;

Phenampromide;

Phenomorphan;

Phenoperidine;

Piritramide;

Proheptazine;

Propenidine;

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- 60 Propiram;  
61 Racemoramide;  
62 Trimeperidine.  
63 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
64 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
65 within the specific chemical designation:  
66 Acetorphine;  
67 Acetyldihydrocodeine;  
68 Benzylmorphine;  
69 Codeine methylbromide;  
70 Codeine-N-Oxide;  
71 Cyprenorphine;  
72 Desomorphine;  
73 Dihydromorphine;  
74 Drotebanol;  
75 Etorphine;  
76 Heroin;  
77 Hydromorphanol;  
78 Methyl-desorphine;  
79 Methyl-dihydromorphine;  
80 Morphine methylbromide;  
81 Morphine methylsulfonate;  
82 Morphine-N-Oxide;  
83 Myrophine;  
84 Nicocodeine;  
85 Nicomorphine;  
86 Normorphine;  
87 Phoclodine;  
88 Thebacon.  
89 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
90 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
91 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
92 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
93 only, the term "isomer" includes the optical, position, and geometric isomers):  
94 3,4-methylenedioxy amphetamine;  
95 5-methoxy-3,4-methylenedioxy amphetamine;  
96 3,4,5-trimethoxy amphetamine;  
97 Bufotenine;  
98 Diethyltryptamine;  
99 Dimethyltryptamine;  
100 4-methyl-2,5-dimethoxyamphetamine;  
101 Ibogaine;  
102 Lysergic acid diethylamide;  
103 Mescaline;  
104 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10- tetrahydro-6, 6,  
105 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);  
106 Peyote;  
107 N-ethyl-3-piperidyl benzilate;  
108 N-methyl-3-piperidyl benzilate;  
109 Psilocybin;  
110 Psilocyn;  
111 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated  
112 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;  
113 Hashish oil (Some trade or other names: hash oil; liquid marijuana; liquid hashish);  
114 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
115 2,5-DMA);  
116 4-bromo-2,5-dimethoxyamphetamine (Some trade or other names:  
117 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
118 4-methoxyamphetamine (Some trade or other names: 4-methoxy-a-methylphenethylamine;  
119 paramethoxyamphetamine; PMA);  
120 N-ethyl analog of phencyclidine;  
121 Pyrrolidine analog of phencyclidine;

122 Thiophene analog of phencyclidine;

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

127 Mecloqualone;

128 Methaqualone.

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

132 Fenethylline;

133 Ethylamphetamine;

134 *Methcathinone*.

135 6. Any material, compound, mixture or preparation containing any quantity of the following  
136 substances:

137 3-methylfentanyl- (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide), its optical and  
138 geometric isomers, salts, and salts of isomers;

139 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
140 and salts of isomers;

141 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers;

142 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of  
143 isomers;

144 N-[1-(1-methyl-2-phenyl)ethyl-4-piperidyl]-N-phenylacetamide (acetyl-alpha-methylfentanyl), its  
145 optical isomers, salts and salts of isomers;

146 N-[1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (alpha-methylthiofentanyl), its  
147 optical isomers, salts and salts of isomers;

148 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of  
149 isomers;

150 N-[1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (beta- hydroxyfentanyl), its  
151 optical isomers, salts and salts of isomers;

152 N-[3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide  
153 (beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

154 N-[3-methyl-1-(2-2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (3-methylthiofentanyl), its optical  
155 and geometric isomers, salts and salts of isomers;

156 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide(thenylfentanyl), its optical isomers, salts  
157 and salts of isomers;

158 N-[1-(2-2-thienyl)ethyl-4-piperidyl]-N-phenylpropanimide(thiofentanyl), its optical isomers, salts and  
159 salts of isomers.

160 § 54.1-3448. Schedule II.

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

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

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

168 Raw opium;

169 Opium extracts;

170 Opium fluid extracts;

171 Powdered opium;

172 Granulated opium;

173 Tincture of opium;

174 Codeine;

175 Ethylmorphine;

176 Etorphine hydrochloride;

177 Hydrocodone;

178 Hydromorphone;

179 Metopon;

180 Morphine;

181 Oxycodone;

182 Oxyomorphone;

- 183 Thebaine.
- 184 Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or  
185 identical with any of the substances referred to in this subdivision, but not including the isoquinoline  
186 alkaloids of opium.
- 187 Opium poppy and poppy straw.
- 188 Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt,  
189 compound, derivative, or preparation thereof which is chemically equivalent or identical with any of  
190 these substances, but not including decocainized coca leaves or extractions which do not contain cocaine  
191 or ecgonine; cocaine or any salt or isomer thereof.
- 192 Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form,  
193 which contains the phenanthrene alkaloids of the opium poppy.
- 194 2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
195 whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical  
196 designation:
- 197 Alfentanil;  
198 Alphaprodine;  
199 Anileridine;  
200 Bezitramide;  
201 Bulk dextropropoxyphene (nondosage forms);  
202 Dihydrocodeine;  
203 Diphenoxylate;  
204 Fentanyl;  
205 Isomethadone;  
206 *Levo-alpha-acetylmethadol (levo-alpha-acetylmethadol)*  
207 *(levomethadyl acetate) (LAAM);*  
208 Levomethorphan;  
209 Levorphanol;  
210 Metazocine;  
211 Methadone;  
212 Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;  
213 Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;  
214 Pethidine;  
215 Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;  
216 Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;  
217 Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
218 Phenazocine;  
219 Piminodine;  
220 Racemethorphan;  
221 Racemorphan.
- 222 3. Any material, compound, mixture or preparation which contains any quantity of the following  
223 substances having a potential for abuse associated with a stimulant effect on the central nervous system:  
224 Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
225 Phenmetrazine and its salts;  
226 Any substance which contains any quantity of methamphetamine, including its salts, isomers, and  
227 salts of isomers;  
228 Methylphenidate.
- 229 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
230 or preparation which contains any quantity of the following substances having a depressant effect on the  
231 central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such  
232 salts, isomers, and salts of isomers is possible within the specific chemical designation:
- 233 Amobarbital;  
234 Glutethimide  
235 Secobarbital;  
236 Pentobarbital;  
237 Phencyclidine.
- 238 5. Any of the following hallucinogenic substances:  
239 Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a drug product  
240 approved by the U.S. Food and Drug Administration;  
241 Nabilone.
- 242 6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
243 or preparation which contains any quantity of the following substances which are immediate precursors  
244 to amphetamine and methamphetamine or phencyclidine:

245 Phenylacetone;  
 246 1-phenylcyclohexylamine;  
 247 1-piperidinocyclohexanecarbonitrile.  
 248 § 54.1-3452. Schedule IV.

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

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

254 Alprazolam;  
 255 Barbitol;  
 256 Bromazepam;  
 257 Camazepam;  
 258 Chloral betaine;  
 259 Chloral hydrate;  
 260 Chlordiazepoxide;  
 261 Clobazam;  
 262 Clonazepam;  
 263 Clorazepate;  
 264 Clotiazepam;  
 265 Cloxazolam;  
 266 Delorazepam;  
 267 Diazepam;  
 268 Estazolam;  
 269 Ethchlorvynol;  
 270 Ethinamate;  
 271 Ethyl loflazepate;  
 272 Fludiazepam;  
 273 Flunitrazepam;  
 274 Flurazepam;  
 275 Halazepam;  
 276 Haloxazolam;  
 277 Ketazolam;  
 278 Loprazolam;  
 279 Lorazepam;  
 280 Lormetazepam;  
 281 Mebutamate;  
 282 Medazepam;  
 283 Methohexital;  
 284 Meprobamate;  
 285 Methylphenobarbital;  
 286 Midazolam;  
 287 Nimetazepam;  
 288 Nitrazepam;  
 289 Nordiazepam;  
 290 Oxazepam;  
 291 Oxazolam;  
 292 Paraldehyde;  
 293 Pentazocine;  
 294 Petrichloral;  
 295 Phenobarbital;  
 296 Pinazepam;  
 297 Prazepam;  
 298 Quazepam;  
 299 Temazepam;  
 300 Tetrazepam;  
 301 Triazolam;  
 302 *Zolpidem*.

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

305 Fenfluramine.

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

311 Cathine (+)-norpseudoephedrine;  
312 Diethylpropion;  
313 Fencamfamin;  
314 Fenproporex;  
315 Mazindol;  
316 Mefenorex;  
317 Phentermine;  
318 Pemoline (including organometallic complexes and chelates thereof);  
319 Pipradrol;  
320 SPA (-)-1-dimethylamino-1,2-diphenylethane.

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

324 Dextropropoxyphene (alpha-+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);  
325 Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per  
326 dosage unit.

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

333 § 54.1-3454. Schedule V.

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

335 1. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
336 or preparation containing any of the following narcotic drugs and their salts, as set forth below:

337 Buprenorphine.

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

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

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

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

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

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

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

352 The Board may except by regulation any compound, mixture or preparation containing any  
353 depressant substance listed in subdivision 2 from the application of all or any part of this chapter and  
354 such substances so excepted may be dispensed pursuant to § 54.1-3416.

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

358 Propylhexedrine;

359 Pyrovalerone.

360 2. That the provisions of this act may result in a net increase in periods of imprisonment in state  
361 correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation  
362 is \$0.00.