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HOUSE BILL NO. 844

House Amendments in [] — February 11, 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

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 [2,5-dimethoxy-4-ethylamphetamine (DOET)]
102 Ibogaine;
103 Lysergic acid diethylamide;
104 Mescaline;
105 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10- tetrahydro-6, 6,
106 9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
107 Peyote;
108 N-ethyl-3-piperidyl benzilate;
109 N-methyl-3-piperidyl benzilate;
110 Psilocybin;
111 Psilocyn;
112 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
113 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
114 Hashish oil (Some trade or other names: hash oil; liquid marijuana; liquid hashish);
115 2,5-dimethoxyamphetamine (Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
116 2,5-DMA);
117 4-bromo-2,5-dimethoxyamphetamine (Some trade or other names:
118 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
119 4-methoxyamphetamine (Some trade or other names: 4-methoxy-a-methylphenethylamine;
120 paramethoxyamphetamine; PMA);
121 N-ethyl analog of phencyclidine;

122 Pyrrolidine analog of phencyclidine;

123 Thiophene analog of phencyclidine;

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

128 Mecloqualone;

129 Methaqualone.

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

133 Fenethylline;

134 Ethylamphetamine;

135 [*Cathinone* (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
136 2-aminopropiophenone, and norephedrone);]

137 *Methcathinone* [(some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)
138 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
139 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
140 1432)] .

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

143 3-methylfentanyl-(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]N-phenylpropanamide), its optical and
144 geometric isomers, salts, and salts of isomers;

145 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
146 and salts of isomers;

147 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers;

148 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of
149 isomers;

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

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

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

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

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

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

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

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

166 § 54.1-3448. Schedule II.

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

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

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

174 Raw opium;

175 Opium extracts;

176 Opium fluid extracts;

177 Powdered opium;

178 Granulated opium;

179 Tincture of opium;

180 Codeine;

181 Ethylmorphine;

182 Etorphine hydrochloride;

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

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

247 Nabilone.

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

251 Phenylacetone;

252 1-phenylcyclohexylamine;

253 1-piperidinocyclohexanecarbonitrile.

254 § 54.1-3452. Schedule IV.

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

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

260 Alprazolam;

261 Barbitol;

262 Bromazepam;

263 Camazepam;

264 Chloral betaine;

265 Chloral hydrate;

266 Chlordiazepoxide;

267 Clobazam;

268 Clonazepam;

269 Clorazepate;

270 Clotiazepam;

271 Cloxazolam;

272 Delorazepam;

273 Diazepam;

274 Estazolam;

275 Ethchlorvynol;

276 Ethinamate;

277 Ethyl loflazepate;

278 Fludiazepam;

279 Flunitrazepam;

280 Flurazepam;

281 Halazepam;

282 Haloxazolam;

283 Ketazolam;

284 Loprazolam;

285 Lorazepam;

286 Lormetazepam;

287 Mebutamate;

288 Medazepam;

289 Methohexital;

290 Meprobamate;

291 Methylphenobarbital;

292 Midazolam;

293 Nimetazepam;

294 Nitrazepam;

295 Nordiazepam;

296 Oxazepam;

297 Oxazolam;

298 Paraldehyde;

299 Pentazocine;

300 Petrichloral;

301 Phenobarbital;

302 Pinazepam;

303 Prazepam;

304 Quazepam;

305 Temazepam;

306 Tetrazepam;
307 Triazolam;
308 Zolpidem.
309 2. Any compound, mixture or preparation which contains any quantity of the following substances
310 including any salts or isomers thereof:
311 Fenfluramine.
312 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
313 or preparation which contains any quantity of the following substances having a stimulant effect on the
314 central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of
315 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the
316 specific chemical designation:
317 Cathine (+)-norpseudoephedrine;
318 Diethylpropion;
319 Fencamfamin;
320 Fenproporex;
321 Mazindol;
322 Mefenorex;
323 Phentermine;
324 Pemoline (including organometallic complexes and chelates thereof);
325 Pipradrol;
326 SPA (-)-1-dimethylamino-1,2-diphenylethane.
327 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
328 or preparation containing any of the following narcotic drugs, or their salts calculated as the free
329 anhydrous base or alkaloid, in limited quantities as set forth below:
330 Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);
331 Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per
332 dosage unit.
333 5. The Board may except by regulation any compound, mixture, or preparation containing any
334 depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the
335 compound, mixture, or preparation contains one or more active medicinal ingredients not having a
336 depressant effect on the central nervous system, and if the admixtures are included therein in
337 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances
338 which have a depressant effect on the central nervous system.
339 § 54.1-3454. Schedule V.
340 The controlled substances listed in this section are included in Schedule V:
341 1. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
342 or preparation containing any of the following narcotic drugs and their salts, as set forth below:
343 Buprenorphine.
344 2. Any compound, mixture, or preparation containing limited quantities of any of the following
345 narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient
346 proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than
347 those possessed by the narcotic drug alone:
348 Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;
349 Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100
350 grams;
351 Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100
352 grams;
353 Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate
354 per dosage unit;
355 Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
356 Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per
357 dosage unit.
358 The Board may except by regulation any compound, mixture or preparation containing any
359 depressant substance listed in subdivision 2 from the application of all or any part of this chapter and
360 such substances so excepted may be dispensed pursuant to § 54.1-3416.
361 3. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or
362 preparation which contains any quantity of the following substances having a stimulant effect on the
363 central nervous system, including its salts, isomers, and salts of isomers:
364 Propylhexedrine;
365 Pyrovalerone.
366 2. That the provisions of this act may result in a net increase in periods of imprisonment in state
367 correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation

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368 is \$0.00.