

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1794 By: Laster of the Senate
3 and
4 Derby of the House
5
6
7

8 (public health and safety - sale of
9 dextromethorphophan - codification -
10 effective date)
11
12

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "An Act relating to public health and safety;
16 amending 63 O.S. 2001, Section 2-204, as amended by
17 Section 1, Chapter 283, O.S.L. 2005 (63 O.S. Supp.
18 2007, Section 2-204), which relates to Schedule I of
19 the Uniform Controlled Dangerous Substances Act;
20 adding certain drugs; amending 63 O.S. 2001, Section
21 2-206, as last amended by Section 2, Chapter 248,
22 O.S.L. 2007 (63 O.S. Supp. 2007, Section 2-206),
23 which relates to Schedule II of the Uniform
24 Controlled Dangerous Substances Act; adding certain
drugs; and providing an effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204, as
2 amended by Section 1, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007,
3 Section 2-204), is amended to read as follows:

4 Section 2-204. The controlled substances listed in this section
5 are included in Schedule I.

6 A. Any of the following opiates, including their isomers,
7 esters, ethers, salts, and salts of isomers, esters, and ethers,
8 unless specifically excepted, when the existence of these isomers,
9 esters, ethers, and salts is possible within the specific chemical
10 designation:

- 11 1. Acetylmethadol;
- 12 2. Allylprodine;
- 13 3. Alphacetylmethadol;
- 14 4. Alphameprodine;
- 15 5. Alphamethadol;
- 16 6. Benzethidine;
- 17 7. Betacetylmethadol;
- 18 8. Betameprodine;
- 19 9. Betamethadol;
- 20 10. Betaprodine;
- 21 11. Clonitazene;
- 22 12. Dextromoramide;
- 23 13. Dextrorphan (except its methyl ether);
- 24 14. Diampromide;

- 1 15. Diethylthiambutene;
- 2 16. Dimenoxadol;
- 3 17. Dimepheptanol;
- 4 18. Dimethylthiambutene;
- 5 19. Dioxaphetyl butyrate;
- 6 20. Dipipanone;
- 7 21. Ethylmethylthiambutene;
- 8 22. Etonitazene;
- 9 23. Etoxeridine;
- 10 24. Furethidine;
- 11 25. Hydroxypethidine;
- 12 26. Ketobemidone;
- 13 27. Levomoramide;
- 14 28. Levophenacilmorphan;
- 15 29. Morpheridine;
- 16 30. Noracymethadol;
- 17 31. Norlevorphanol;
- 18 32. Normethadone;
- 19 33. Norpipanone;
- 20 34. Phenadoxone;
- 21 35. Phenampromide;
- 22 36. Phenomorphan;
- 23 37. Phenoperidine;
- 24 38. Piritramide;

- 1 39. Proheptazine;
- 2 40. Properidine;
- 3 41. Racemoramide;
- 4 42. Trimeperidine; ~~or~~
- 5 43. Flunitrazepam;
- 6 44. B-hydroxy-amphetamine;
- 7 45. B-ketoamphetamine;
- 8 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 9 47. 2,5-dimethoxy-4-methylamphetamine;
- 10 48. 2,5-dimethoxy-4-bromoamphetamine;
- 11 49. 2,5-dimethoxy-4-nitroamphetamine;
- 12 50. 2,5-dimethoxy-4-bromophenethylamine;
- 13 51. 2,5-dimethoxy-4-chlorophenethylamine;
- 14 52. 2,5-dimethoxy-4-iodoamphetamine;
- 15 53. 2,5-dimethoxy-4-iodophenethylamine;
- 16 54. 2,5-dimethoxy-4-methylphenethylamine;
- 17 55. 2,5-dimethoxy-4-ethylphenethylamine;
- 18 56. 2,5-dimethoxy-4-fluorophenethylamine;
- 19 57. 2,5-dimethoxy-4-nitrophenethylamine;
- 20 58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 21 59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 22 60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 23 61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 24 62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;

1 63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;

2 64. 5-methoxy-N, N-dimethyltryptamine;

3 65. N-methyltryptamine;

4 66. A-ethyltryptamine;

5 67. A-methyltryptamine;

6 68. N, N-diethyltryptamine;

7 69. N, N-diisopropyltryptamine;

8 70. N, N-dipropyltryptamine;

9 71. 5-methoxy-a-methyltryptamine;

10 72. 4-hydroxy-N, N-diethyltryptamine;

11 73. 4-hydroxy-N, N-diisopropyltryptamine;

12 74. 5-methoxy-N, N-diisopropyltryptamine; or

13 75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

14 B. Any of the following opium derivatives, their salts,
15 isomers, and salts of isomers, unless specifically excepted, when
16 the existence of these salts, isomers, and salts of isomers is
17 possible within the specific chemical designation:

18 1. Acetorphine;

19 2. Acetyldihydrocodeine;

20 3. Benzylmorphine;

21 4. Codeine methylbromide;

22 5. Codeine-N-Oxide;

23 6. Cyrenorphine;

24 7. Desomorphine;

- 1 8. Dihydromorphine;
- 2 9. Etorphine;
- 3 10. Heroin;
- 4 11. Hydromorphenol;
- 5 12. Methyldesorphine;
- 6 13. Methylhydromorphine;
- 7 14. Morphine methylbromide;
- 8 15. Morphine methylsulfonate;
- 9 16. Morphine-N-Oxide;
- 10 17. Myrophine;
- 11 18. Nicocodeine;
- 12 19. Nicomorphine;
- 13 20. Normorphine;
- 14 21. Phoclodine; or
- 15 22. Thebacon.

16 C. Any material, compound, mixture, or preparation which
17 contains any quantity of the following hallucinogenic substances,
18 their salts, isomers, and salts of isomers, unless specifically
19 excepted, when the existence of these salts, isomers, and salts of
20 isomers is possible within the specific chemical designation:

- 21 1. Methcathinone;
- 22 2. 3, 4-methylenedioxy amphetamine;
- 23 3. 3, 4-methylenedioxy methamphetamine;
- 24 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

- 1 5. 3, 4, 5-trimethoxy amphetamine;
- 2 6. Bufotenine;
- 3 7. Diethyltryptamine;
- 4 8. Dimethyltryptamine;
- 5 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 6 10. Ibogaine;
- 7 11. Lysergic acid diethylamide;
- 8 12. Marihuana;
- 9 13. Mescaline;
- 10 14. N-benzylpiperazine;
- 11 15. N-ethyl-3-piperidyl benzilate;
- 12 ~~15.~~ 16. N-methyl-3-piperidyl benzilate;
- 13 ~~16.~~ 17. Psilocybin;
- 14 ~~17.~~ 18. Psilocyn;
- 15 ~~18.~~ 19. 2, 5 dimethoxyamphetamine;
- 16 ~~19.~~ 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 17 ~~20.~~ 21. 4 methoxyamphetamine;
- 18 ~~21.~~ 22. Cyclohexamine;
- 19 ~~22.~~ 23. Salvia Divinorum;
- 20 24. Salvinorin A;
- 21 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 22 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 23 TCP, TCP;
- 24 ~~23.~~ 26. Phencyclidine (PCP); or

1 ~~24.~~ 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-
2 (1-Phencyclohexyl) - Pyrrolidine, PCPy, PHP.

3 D. Unless specifically excepted or unless listed in a different
4 schedule, any material, compound, mixture, or preparation which
5 contains any quantity of the following substances having stimulant
6 or depressant effect on the central nervous system:

7 1. Fenethylline;

8 2. Mecloqualone;

9 3. N-ethylamphetamine;

10 4. Methaqualone;

11 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
12 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
13 oxybate, and sodium oxybutyrate;

14 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
15 manufactured or promoted for human consumption, with the exception
16 of legitimate food additive and manufacturing purposes;

17 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
18 manufactured for human consumption, with the exception of legitimate
19 food additive and manufacturing purposes;

20 8. Gamma Valerolactone (GVL) as packaged, marketed, or
21 manufactured for human consumption, with the exception of legitimate
22 food additive and manufacturing purposes; or

1 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
2 manufactured, or promoted for human consumption with the exception
3 of legitimate manufacturing purposes.

4 E. 1. The following industrial uses of Gamma-Butyrolactone,
5 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are
6 excluded from all schedules of controlled substances under this
7 title:

- 8 a. pesticides,
- 9 b. photochemical etching,
- 10 c. electrolytes of small batteries or capacitors,
- 11 d. viscosity modifiers in polyurethane,
- 12 e. surface etching of metal coated plastics,
- 13 f. organic paint disbursements for water soluble inks,
- 14 g. pH regulators in the dyeing of wool and polyamide
15 fibers,
- 16 h. foundry chemistry as a catalyst during curing,
- 17 i. curing agents in many coating systems based on
18 urethanes and amides,
- 19 j. additives and flavoring agents in food, confectionary,
20 and beverage products,
- 21 k. synthetic fiber and clothing production,
- 22 l. tetrahydrofuran production,
- 23 m. gamma butyrolactone production,
- 24 n. polybutylene terephthalate resin production,

- 1 o. polyester raw materials for polyurethane elastomers
- 2 and foams,
- 3 p. coating resin raw material, and
- 4 q. as an intermediate in the manufacture of other
- 5 chemicals and pharmaceuticals.

6 2. At the request of any person, the Director may exempt any
7 other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,
8 Gamma Valerolactone, or 1,4 Butanediol from being included as a
9 Schedule I controlled substance if such product is labeled,
10 marketed, manufactured and distributed for legitimate industrial use
11 in a manner that reduces or eliminates the likelihood of abuse.

12 3. In making a determination regarding an industrial product,
13 the Director, after notice and hearing, shall consider the
14 following:

- 15 a. the history and current pattern of abuse,
- 16 b. the name and labeling of the product,
- 17 c. the intended manner of distribution, advertising and
- 18 promotion of the product, and
- 19 d. other factors as may be relevant to and consistent
- 20 with the public health and safety.

21 4. The hearing shall be held in accordance with the procedures
22 of the Administrative Procedures Act.

1 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as
2 last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
3 2007, Section 2-206), is amended to read as follows:

4 Section 2-206. The controlled substances listed in this section
5 are included in Schedule II.

6 A. Any of the following substances except those narcotic drugs
7 listed in other schedules whether produced directly or indirectly by
8 extraction from substances of vegetable origin, or independently by
9 means of chemical synthesis, or by combination of extraction and
10 chemical synthesis:

11 1. Opium and opiate, and any salt, compound, derivative, or
12 preparation of opium or opiate;

13 2. Any salt, compound, isomer, derivative, or preparation
14 thereof which is chemically equivalent or identical with any of the
15 substances referred to in paragraph 1 of this subsection, but not
16 including the isoquinoline alkaloids of opium;

17 3. Opium poppy and poppy straw; or

18 4. Coca leaves except coca leaves and extracts of coca leaves
19 from which cocaine, ecgonine, and derivatives of ecgonine or their
20 salts have been removed; cocaine, its salts, optical and geometric
21 isomers, and salts of isomers; ecgonine, its derivatives, their
22 salts, isomers and salts of isomers; or any compound, mixture or
23 preparation which contains any quantity of any of the substances
24 referred to in this paragraph.

1 B. Any of the following opiates, including their isomers,
2 esters, ethers, salts, and salts of isomers, esters and ethers, when
3 the existence of these isomers, esters, ethers, and salts is
4 possible within the specific chemical designation:

5 1. Alphaprodine;

6 2. Anileridine;

7 3. Bezitramide;

8 4. Dihydrocodeine;

9 5. Diphenoxylate;

10 6. Fentanyl;

11 7. Hydromorphone;

12 8. Isomethadone;

13 ~~8.~~ 9. Levomethorphan;

14 ~~9.~~ 10. Levorphanol;

15 ~~10.~~ 11. Metazocine;

16 ~~11.~~ 12. Methadone;

17 ~~12.~~ 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
18 diphenyl butane;

19 ~~13.~~ 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
20 diphenyl-propane-carboxylic acid;

21 ~~14.~~ 15. Oxycodone;

22 ~~15.~~ 16. Oxymorphone;

23 17. Pethidine (Meperidine);

- 1 ~~16.~~ 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 2 phenylpiperidine;
- 3 ~~17.~~ 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-
- 4 4-carboxylate;
- 5 ~~18.~~ 20. Pethidine - Intermediate - C, 1-methyl-4-
- 6 phenylpiperidine-4-carboxylic acid;
- 7 ~~19.~~ 21. Phenazocine;
- 8 ~~20.~~ 22. Piminodine;
- 9 ~~21.~~ 23. Racemethorphan;
- 10 ~~22.~~ 24. Racemorphan;
- 11 ~~23.~~ 25. Etorphine Hydrochloride salt only;
- 12 ~~24.~~ 26. Alfentanil hydrochloride; or
- 13 ~~25.~~ 27. Levo-alphaacetylmethadol.
- 14 C. Any substance which contains any quantity of:
- 15 1. Methamphetamine, including its salts, isomers, and salts of
- 16 isomers; or
- 17 2. Amphetamine, its salts, optical isomers, and salts of its
- 18 optical isomers.
- 19 D. Unless specifically excepted or unless listed in another
- 20 schedule, any material, compound, mixture, or preparation, which
- 21 contains any quantity of the following substances having stimulant
- 22 or depressant effect on the central nervous system:
- 23 1. Phenmetrazine and its salts;
- 24 2. Methylphenidate;

