

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1794

By: Laster of the Senate

and

Derby of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public health and safety; amending
11 63 O.S. 2001, Section 2-204, as amended by Section 1,
12 Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007, Section
13 2-204), which relates to Schedule I of the Uniform
14 Controlled Dangerous Substances Act; adding certain
15 drugs; amending 63 O.S. 2001, Section 2-206, as last
16 amended by Section 2, Chapter 248, O.S.L. 2007 (63
17 O.S. Supp. 2007, Section 2-206), which relates to
18 Schedule II of the Uniform Controlled Dangerous
19 Substances Act; adding certain drugs; and providing
20 an effective date.

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

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

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

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

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

- 1 20. Dipipanone;
- 2 21. Ethylmethylthiambutene;
- 3 22. Etonitazene;
- 4 23. Etoxeridine;
- 5 24. Furethidine;
- 6 25. Hydroxypethidine;
- 7 26. Ketobemidone;
- 8 27. Levomoramide;
- 9 28. Levophenacylmorphan;
- 10 29. Morpheridine;
- 11 30. Noracymethadol;
- 12 31. Norlevorphanol;
- 13 32. Normethadone;
- 14 33. Norpipanone;
- 15 34. Phenadoxone;
- 16 35. Phenampromide;
- 17 36. Phenomorphan;
- 18 37. Phenoperidine;
- 19 38. Piritramide;
- 20 39. Proheptazine;
- 21 40. Properidine;
- 22 41. Racemoramide;
- 23 42. Trimeperidine; ~~or~~
- 24 43. Flunitrazepam;

- 1 44. B-hydroxy-amphetamine;
- 2 45. B-ketoamphetamine;
- 3 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 4 47. 2,5-dimethoxy-4-methylamphetamine;
- 5 48. 2,5-dimethoxy-4-bromoamphetamine;
- 6 49. 2,5-dimethoxy-4-nitroamphetamine;
- 7 50. 2,5-dimethoxy-4-bromophenethylamine;
- 8 51. 2,5-dimethoxy-4-chlorophenethylamine;
- 9 52. 2,5-dimethoxy-4-iodoamphetamine;
- 10 53. 2,5-dimethoxy-4-iodophenethylamine;
- 11 54. 2,5-dimethoxy-4-methylphenethylamine;
- 12 55. 2,5-dimethoxy-4-ethylphenethylamine;
- 13 56. 2,5-dimethoxy-4-fluorophenethylamine;
- 14 57. 2,5-dimethoxy-4-nitrophenethylamine;
- 15 58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 16 59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 17 60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 18 61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 19 62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 20 63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 21 64. 5-methoxy-N, N-dimethyltryptamine;
- 22 65. N-methyltryptamine;
- 23 66. A-ethyltryptamine;
- 24 67. A-methyltryptamine;

- 1 68. N, N-diethyltryptamine;
- 2 69. N, N-diisopropyltryptamine;
- 3 70. N, N-dipropyltryptamine;
- 4 71. 5-methoxy-a-methyltryptamine;
- 5 72. 4-hydroxy-N, N-diethyltryptamine;
- 6 73. 4-hydroxy-N, N-diisopropyltryptamine;
- 7 74. 5-methoxy-N, N-diisopropyltryptamine; or
- 8 75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

9 B. Any of the following opium derivatives, their salts,
10 isomers, and salts of isomers, unless specifically excepted, when
11 the existence of these salts, isomers, and salts of isomers is
12 possible within the specific chemical designation:

- 13 1. Acetorphine;
- 14 2. Acetyldihydrocodeine;
- 15 3. Benzylmorphine;
- 16 4. Codeine methylbromide;
- 17 5. Codeine-N-Oxide;
- 18 6. Cyprenorphine;
- 19 7. Desomorphine;
- 20 8. Dihydromorphine;
- 21 9. Etorphine;
- 22 10. Heroin;
- 23 11. Hydromorphenol;
- 24 12. Methyldesorphine;

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

11 C. Any material, compound, mixture, or preparation which
12 contains any quantity of the following hallucinogenic substances,
13 their salts, isomers, and salts of isomers, unless specifically
14 excepted, when the existence of these salts, isomers, and salts of
15 isomers is possible within the specific chemical designation:

- 16 1. Methcathinone;
- 17 2. 3, 4-methylenedioxy amphetamine;
- 18 3. 3, 4-methylenedioxy methamphetamine;
- 19 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 20 5. 3, 4, 5-trimethoxy amphetamine;
- 21 6. Bufotenine;
- 22 7. Diethyltryptamine;
- 23 8. Dimethyltryptamine;
- 24 9. 4-methyl-2, 5-dimethoxyamphetamine;

- 1 10. Ibogaine;
- 2 11. Lysergic acid diethylamide;
- 3 12. Marihuana;
- 4 13. Mescaline;
- 5 14. N-benzylpiperazine;
- 6 15. N-ethyl-3-piperidyl benzilate;
- 7 ~~15.~~ 16. N-methyl-3-piperidyl benzilate;
- 8 ~~16.~~ 17. Psilocybin;
- 9 ~~17.~~ 18. Psilocyn;
- 10 ~~18.~~ 19. 2, 5 dimethoxyamphetamine;
- 11 ~~19.~~ 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 12 ~~20.~~ 21. 4 methoxyamphetamine;
- 13 ~~21.~~ 22. Cyclohexamine;
- 14 ~~22.~~ 23. Salvia Divinorum;
- 15 24. Salvinorin A;
- 16 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 17 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 18 TCP, TCP;
- 19 ~~23.~~ 26. Phencyclidine (PCP); or
- 20 ~~24.~~ 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-
- 21 (1-Phencyclohexyl) - Pyrrolidine, PCPy, PHP.

22 D. Unless specifically excepted or unless listed in a different

23 schedule, any material, compound, mixture, or preparation which

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1 contains any quantity of the following substances having stimulant
2 or depressant effect on the central nervous system:

3 1. Fenethylline;

4 2. Mecloqualone;

5 3. N-ethylamphetamine;

6 4. Methaqualone;

7 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
8 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
9 oxybate, and sodium oxybutyrate;

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

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

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

19 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
20 manufactured, or promoted for human consumption with the exception
21 of legitimate manufacturing purposes.

22 E. 1. The following industrial uses of Gamma-Butyrolactone,
23 Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are

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1 excluded from all schedules of controlled substances under this
2 title:

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

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

7 3. In making a determination regarding an industrial product,
8 the Director, after notice and hearing, shall consider the
9 following:

- 10 a. the history and current pattern of abuse,
- 11 b. the name and labeling of the product,
- 12 c. the intended manner of distribution, advertising and
13 promotion of the product, and
- 14 d. other factors as may be relevant to and consistent
15 with the public health and safety.

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

18 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as
19 last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
20 2007, Section 2-206), is amended to read as follows:

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

23 A. Any of the following substances except those narcotic drugs
24 listed in other schedules whether produced directly or indirectly by

1 extraction from substances of vegetable origin, or independently by
2 means of chemical synthesis, or by combination of extraction and
3 chemical synthesis:

4 1. Opium and opiate, and any salt, compound, derivative, or
5 preparation of opium or opiate;

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

10 3. Opium poppy and poppy straw; or

11 4. Coca leaves except coca leaves and extracts of coca leaves
12 from which cocaine, ecgonine, and derivatives of ecgonine or their
13 salts have been removed; cocaine, its salts, optical and geometric
14 isomers, and salts of isomers; ecgonine, its derivatives, their
15 salts, isomers and salts of isomers; or any compound, mixture or
16 preparation which contains any quantity of any of the substances
17 referred to in this paragraph.

18 B. Any of the following opiates, including their isomers,
19 esters, ethers, salts, and salts of isomers, esters and ethers, when
20 the existence of these isomers, esters, ethers, and salts is
21 possible within the specific chemical designation:

22 1. Alphaprodine;

23 2. Anileridine;

24 3. Bezitramide;

- 1 4. Dihydrocodeine;
- 2 5. Diphenoxylate;
- 3 6. Fentanyl;
- 4 7. Hydromorphone;
- 5 8. Isomethadone;
- 6 ~~8.~~ 9. Levomethorphan;
- 7 ~~9.~~ 10. Levorphanol;
- 8 ~~10.~~ 11. Metazocine;
- 9 ~~11.~~ 12. Methadone;
- 10 ~~12.~~ 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 11 diphenyl butane;
- 12 ~~13.~~ 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 13 diphenyl-propane-carboxylic acid;
- 14 ~~14.~~ 15. Oxycodone;
- 15 ~~15.~~ 16. Oxymorphone;
- 16 17. Pethidine (Meperidine);
- 17 ~~16.~~ 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 18 phenylpiperidine;
- 19 ~~17.~~ 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-
- 20 4-carboxylate;
- 21 ~~18.~~ 20. Pethidine - Intermediate - C, 1-methyl-4-
- 22 phenylpiperidine-4-carboxylic acid;
- 23 ~~19.~~ 21. Phenazocine;
- 24 ~~20.~~ 22. Piminodine;

- 1 ~~21.~~ 23. Racemethorphan;
2 ~~22.~~ 24. Racemorphan;
3 ~~23.~~ 25. Etorphine Hydrochloride salt only;
4 ~~24.~~ 26. Alfentanil hydrochloride; or
5 ~~25.~~ 27. Levo-alphaacetylmethadol.

6 C. Any substance which contains any quantity of:

- 7 1. Methamphetamine, including its salts, isomers, and salts of
8 isomers; or
9 2. Amphetamine, its salts, optical isomers, and salts of its
10 optical isomers.

11 D. Unless specifically excepted or unless listed in another
12 schedule, any material, compound, mixture, or preparation, which
13 contains any quantity of the following substances having stimulant
14 or depressant effect on the central nervous system:

- 15 1. Phenmetrazine and its salts;
16 2. Methylphenidate;
17 3. Amobarbital;
18 4. Pentobarbital; or
19 5. Secobarbital.

20 SECTION 3. This act shall become effective November 1, 2008.

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22 51-2-10935 SAB 04/07/08
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