

1 ENGROSSED HOUSE
2 BILL NO. 3148

By: Derby and Roan of the House

3 and

4 Nichols of the Senate
5
6

7 An Act relating to public health and safety; amending
8 63 O.S. 2001, Section 2-204, as amended by Section 1,
9 Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007, Section
10 2-204), which relates to Schedule I of the Uniform
11 Controlled Dangerous Substances Act; adding certain
12 drugs; amending 63 O.S. 2001, Section 2-206, as last
13 amended by Section 2, Chapter 248, O.S.L. 2007 (63
14 O.S. Supp. 2007, Section 2-206), which relates to
15 Schedule II of the Uniform Controlled Dangerous
16 Substances Act; adding certain drugs; and providing
17 an effective date.

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

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

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

24 A. Any of the following opiates, including their isomers,
esters, ethers, salts, and salts of isomers, esters, and ethers,
unless specifically excepted, when the existence of these isomers,

1 esters, ethers, and salts is possible within the specific chemical
2 designation:

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

- 1 23. Etoperidine;
- 2 24. Furethidine;
- 3 25. Hydroxypethidine;
- 4 26. Ketobemidone;
- 5 27. Levomoramide;
- 6 28. Levophenacymorphan;
- 7 29. Morpheridine;
- 8 30. Noracymethadol;
- 9 31. Norlevorphanol;
- 10 32. Normethadone;
- 11 33. Norpipanone;
- 12 34. Phenadoxone;
- 13 35. Phenampromide;
- 14 36. Phenomorphan;
- 15 37. Phenoperidine;
- 16 38. Piritramide;
- 17 39. Proheptazine;
- 18 40. Properidine;
- 19 41. Racemoramide;
- 20 42. Trimeperidine; ~~or~~
- 21 43. Flunitrazepam;
- 22 44. B-hydroxy-amphetamine;
- 23 45. B-ketoamphetamine;
- 24 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;

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

1 71. 5-methoxy-a-methyltryptamine;

2 72. 4-hydroxy-N, N-diethyltryptamine;

3 73. 4-hydroxy-N, N-diisopropyltryptamine;

4 74. 5-methoxy-N, N-diisopropyltryptamine; or

5 75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

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

10 1. Acetorphine;

11 2. Acetyldihydrocodeine;

12 3. Benzylmorphine;

13 4. Codeine methylbromide;

14 5. Codeine-N-Oxide;

15 6. Cyprenorphine;

16 7. Desomorphine;

17 8. Dihydromorphine;

18 9. Etorphine;

19 10. Heroin;

20 11. Hydromorphenol;

21 12. Methyldesorphine;

22 13. Methylhydromorphine;

23 14. Morphine methylbromide;

24 15. Morphine methylsulfonate;

1 16. Morphine-N-Oxide;

2 17. Myrophine;

3 18. Nicocodeine;

4 19. Nicomorphine;

5 20. Normorphine;

6 21. Phoclodine; or

7 22. Thebacon.

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

13 1. Methcathinone;

14 2. 3, 4-methylenedioxy amphetamine;

15 3. 3, 4-methylenedioxy methamphetamine;

16 4. 5-methoxy-3, 4-methylenedioxy amphetamine;

17 5. 3, 4, 5-trimethoxy amphetamine;

18 6. Bufotenine;

19 7. Diethyltryptamine;

20 8. Dimethyltryptamine;

21 9. 4-methyl-2, 5-dimethoxyamphetamine;

22 10. Ibogaine;

23 11. Lysergic acid diethylamide;

24 12. Marihuana;

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

- 1 3. N-ethylamphetamine;
- 2 4. Methaqualone;
- 3 5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-
- 4 hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium
- 5 oxybate, and sodium oxybutyrate;
- 6 6. Gamma-Butyrolactone (GBL) as packaged, marketed,
- 7 manufactured or promoted for human consumption, with the exception
- 8 of legitimate food additive and manufacturing purposes;
- 9 7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or
- 10 manufactured for human consumption, with the exception of legitimate
- 11 food additive and manufacturing purposes;
- 12 8. Gamma Valerolactone (GVL) as packaged, marketed, or
- 13 manufactured for human consumption, with the exception of legitimate
- 14 food additive and manufacturing purposes; or
- 15 9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed,
- 16 manufactured, or promoted for human consumption with the exception
- 17 of legitimate manufacturing purposes.

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

- 22 a. pesticides,
- 23 b. photochemical etching,
- 24 c. electrolytes of small batteries or capacitors,

- d. viscosity modifiers in polyurethane,
- e. surface etching of metal coated plastics,
- f. organic paint disbursements for water soluble inks,
- g. pH regulators in the dyeing of wool and polyamide fibers,
- h. foundry chemistry as a catalyst during curing,
- i. curing agents in many coating systems based on urethanes and amides,
- j. additives and flavoring agents in food, confectionary, and beverage products,
- k. synthetic fiber and clothing production,
- l. tetrahydrofuran production,
- m. gamma butyrolactone production,
- n. polybutylene terephthalate resin production,
- o. polyester raw materials for polyurethane elastomers and foams,
- p. coating resin raw material, and
- q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled,

1 marketed, manufactured and distributed for legitimate industrial use
2 in a manner that reduces or eliminates the likelihood of abuse.

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

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

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

14 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as
15 last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
16 2007, Section 2-206), is amended to read as follows:

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

19 A. Any of the following substances except those narcotic drugs
20 listed in other schedules whether produced directly or indirectly by
21 extraction from substances of vegetable origin, or independently by
22 means of chemical synthesis, or by combination of extraction and
23 chemical synthesis:

24

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

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

7 3. Opium poppy and poppy straw; or

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

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

19 1. Alphaprodine;

20 2. Anileridine;

21 3. Bezitramide;

22 4. Dihydrocodeine;

23 5. Diphenoxylate;

24 6. Fentanyl;

- 1 7. Hydromorphone;
- 2 8. Isomethadone;
- 3 ~~8.~~ 9. Levomethorphan;
- 4 ~~9.~~ 10. Levorphanol;
- 5 ~~10.~~ 11. Metazocine;
- 6 ~~11.~~ 12. Methadone;
- 7 ~~12.~~ 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-
- 8 diphenyl butane;
- 9 ~~13.~~ 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-
- 10 diphenyl-propane-carboxylic acid;
- 11 ~~14.~~ 15. Oxycodone;
- 12 ~~15.~~ 16. Oxymorphone;
- 13 17. Pethidine (Meperidine);
- 14 ~~16.~~ 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 15 phenylpiperidine;
- 16 ~~17.~~ 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-
- 17 4-carboxylate;
- 18 ~~18.~~ 20. Pethidine - Intermediate - C, 1-methyl-4-
- 19 phenylpiperidine-4-carboxylic acid;
- 20 ~~19.~~ 21. Phenazocine;
- 21 ~~20.~~ 22. Piminodine;
- 22 ~~21.~~ 23. Racemethorphan;
- 23 ~~22.~~ 24. Racemorphan;
- 24 ~~23.~~ 25. Etorphine Hydrochloride salt only;

1 ~~24.~~ 26. Alfentanil hydrochloride; or

2 ~~25.~~ 27. Levo-alphaacetylmethadol.

3 C. Any substance which contains any quantity of:

4 1. Methamphetamine, including its salts, isomers, and salts of
5 isomers; or

6 2. Amphetamine, its salts, optical isomers, and salts of its
7 optical isomers.

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

12 1. Phenmetrazine and its salts;

13 2. Methylphenidate;

14 3. Amobarbital;

15 4. Pentobarbital; or

16 5. Secobarbital.

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

1 Passed the House of Representatives the 4th day of March, 2008.

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3
4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate