

THE HOUSE OF REPRESENTATIVES  
Thursday, April 10, 2008

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1794

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1794 - By:  
LASTER of the Senate and DERBY of the House.

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

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

- 1           SECTION 1.   AMENDATORY   63 O.S. 2001, Section 2-204, as amended by  
2   Section 1, Chapter 283, O.S.L. 2005 (63 O.S. Supp. 2007, Section 2-204), is amended to  
3   read as follows:  
4           Section 2-204. The controlled substances listed in this section are included in  
5   Schedule I.  
6           A. Any of the following opiates, including their isomers, esters, ethers, salts, and  
7   salts of isomers, esters, and ethers, unless specifically excepted, when the existence of

1 these isomers, 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;

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

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

- 1        65. N-methyltryptamine;  
2        66. A-ethyltryptamine;  
3        67. A-methyltryptamine;  
4        68. N, N-diethyltryptamine;  
5        69. N, N-diisopropyltryptamine;  
6        70. N, N-dipropyltryptamine;  
7        71. 5-methoxy-a-methyltryptamine;  
8        72. 4-hydroxy-N, N-diethyltryptamine;  
9        73. 4-hydroxy-N, N-diisopropyltryptamine;  
10       74. 5-methoxy-N, N-diisopropyltryptamine; or  
11       75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

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

- 15       1. Acetorphine;  
16       2. Acetyldihydrocodeine;  
17       3. Benzylmorphine;  
18       4. Codeine methylbromide;  
19       5. Codeine-N-Oxide;  
20       6. Cyrenorphine;  
21       7. Desomorphine;  
22       8. Dihydromorphine;

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

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

- 19 1. Methcathinone;
- 20 2. 3, 4-methylenedioxy amphetamine;
- 21 3. 3, 4-methylenedioxy methamphetamine;
- 22 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-thienyl) cyclohexyl)
- 22 piperidine; 2-Thienyl Analog of Phencyclidine; TCP, TCP;

1        ~~23.~~ 26. Phencyclidine (PCP); or

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

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

8        1. Fenethylline;

9        2. Mecloqualone;

10       3. N-ethylamphetamine;

11       4. Methaqualone;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 3. Opium poppy and poppy straw; or

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

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

21 1. Alphaprodine;

22 2. Anileridine;

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

- 1        ~~22.~~ 24. Racemorphan;
- 2        ~~23.~~ 25. Etorphine Hydrochloride salt only;
- 3        ~~24.~~ 26. Alfentanil hydrochloride; or
- 4        ~~25.~~ 27. Levo-alphaacetylmethadol.
- 5        C. Any substance which contains any quantity of:
- 6            1. Methamphetamine, including its salts, isomers, and salts of isomers; or
- 7            2. Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- 8        D. Unless specifically excepted or unless listed in another schedule, any material,
- 9        compound, mixture, or preparation, which contains any quantity of the following
- 10       substances having stimulant or depressant effect on the central nervous system:
- 11            1. Phenmetrazine and its salts;
- 12            2. Methylphenidate;
- 13            3. Amobarbital;
- 14            4. Pentobarbital; or
- 15            5. Secobarbital.

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

17        COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-09-08 - DO  
18        PASS, As Amended.