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THE STATE SENATE  
Monday, April 7, 2008

ENGROSSED  
House Bill No. 3148  
As Amended

ENGROSSED HOUSE BILL NO. 3148 - By: Derby and Roan of the House and Nichols of the Senate.

[ **public health and safety - Schedule I of the Uniform Controlled Dangerous Substances Act - adding certain drugs - effective date** ]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

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

- 1. Acetylmethadol;
- 2. Allylprodine;
- 3. Alphacetylmethadol;
- 4. Alphameprodine;

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

- 1 28. Levophenacylmorphan;
- 2 29. Morpheridine;
- 3 30. Noracymethadol;
- 4 31. Norlevorphanol;
- 5 32. Normethadone;
- 6 33. Norpipanone;
- 7 34. Phenadoxone;
- 8 35. Phenampromide;
- 9 36. Phenomorphan;
- 10 37. Phenoperidine;
- 11 38. Piritramide;
- 12 39. Proheptazine;
- 13 40. Properidine;
- 14 41. Racemoramide;
- 15 42. Trimeperidine; ~~or~~
- 16 43. Flunitrazepam;
- 17 44. B-hydroxy-amphetamine;
- 18 45. B-ketoamphetamine;
- 19 46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
- 20 47. 2,5-dimethoxy-4-methylamphetamine;
- 21 48. 2,5-dimethoxy-4-bromoamphetamine;
- 22 49. 2,5-dimethoxy-4-nitroamphetamine;
- 23 50. 2,5-dimethoxy-4-bromophenethylamine;

- 1        51. 2,5-dimethoxy-4-chlorophenethylamine;
- 2        52. 2,5-dimethoxy-4-iodoamphetamine;
- 3        53. 2,5-dimethoxy-4-iodophenethylamine;
- 4        54. 2,5-dimethoxy-4-methylphenethylamine;
- 5        55. 2,5-dimethoxy-4-ethylphenethylamine;
- 6        56. 2,5-dimethoxy-4-fluorophenethylamine;
- 7        57. 2,5-dimethoxy-4-nitrophenethylamine;
- 8        58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 9        59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
- 10       60. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 11       61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 12       62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 13       63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 14       64. 5-methoxy-N, N-dimethyltryptamine;
- 15       65. N-methyltryptamine;
- 16       66. A-ethyltryptamine;
- 17       67. A-methyltryptamine;
- 18       68. N, N-diethyltryptamine;
- 19       69. N, N-diisopropyltryptamine;
- 20       70. N, N-dipropyltryptamine;
- 21       71. 5-methoxy-a-methyltryptamine;
- 22       72. 4-hydroxy-N, N-diethyltryptamine;
- 23       73. 4-hydroxy-N, N-diisopropyltryptamine;

1        74. 5-methoxy-N, N-diisopropyltryptamine; or

2        75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

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

7        1. Acetorphine;

8        2. Acetyldihydrocodeine;

9        3. Benzylmorphine;

10       4. Codeine methylbromide;

11       5. Codeine-N-Oxide;

12       6. Cyprenorphine;

13       7. Desomorphine;

14       8. Dihydromorphine;

15       9. Etorphine;

16       10. Heroin;

17       11. Hydromorphenol;

18       12. Methyldesorphine;

19       13. Methylhydromorphine;

20       14. Morphine methylbromide;

21       15. Morphine methylsulfonate;

22       16. Morphine-N-Oxide;

23       17. Myrophine;

- 1 18. Nicocodeine;
- 2 19. Nicomorphine;
- 3 20. Normorphine;
- 4 21. Phoclodine; or
- 5 22. Thebacon.

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

- 11 1. Methcathinone;
- 12 2. 3, 4-methylenedioxy amphetamine;
- 13 3. 3, 4-methylenedioxy methamphetamine;
- 14 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 15 5. 3, 4, 5-trimethoxy amphetamine;
- 16 6. Bufotenine;
- 17 7. Diethyltryptamine;
- 18 8. Dimethyltryptamine;
- 19 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 20 10. Ibogaine;
- 21 11. Lysergic acid diethylamide;
- 22 12. Marihuana;
- 23 13. Mescaline;

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

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

- 22       1. Fenethylamine;  
23       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,

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

21 2. At the request of any person, the Director may exempt any  
22 other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate,  
23 Gamma Valerolactone, or 1,4 Butanediol from being included as a

1 Schedule I controlled substance if such product is labeled,  
2 marketed, manufactured and distributed for legitimate industrial use  
3 in a manner that reduces or eliminates the likelihood of abuse.

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

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

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

15 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-206, as  
16 last amended by Section 2, Chapter 248, O.S.L. 2007 (63 O.S. Supp.  
17 2007, Section 2-206), is amended to read as follows:

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

20 A. Any of the following substances except those narcotic drugs  
21 listed in other schedules whether produced directly or indirectly by  
22 extraction from substances of vegetable origin, or independently by

1 means of chemical synthesis, or by combination of extraction and  
2 chemical synthesis:

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

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

9 3. Opium poppy and poppy straw; or

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

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

21 1. Alphaprodine;

22 2. Anileridine;

23 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;

- 1       ~~20.~~ 22. Piminodine;
- 2       ~~21.~~ 23. Racemethorphan;
- 3       ~~22.~~ 24. Racemorphan;
- 4       ~~23.~~ 25. Etorphine Hydrochloride salt only;
- 5       ~~24.~~ 26. Alfentanil hydrochloride; or
- 6       ~~25.~~ 27. Levo-alphaacetylmethadol.

7       C. Any substance which contains any quantity of:

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

12       D. Unless specifically excepted or unless listed in another

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

14       contains any quantity of the following substances having stimulant

15       or depressant effect on the central nervous system:

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

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

22       COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-2-08 - DO

23       PASS, As Amended.