

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

Committee Substitute for
House Bill No. 3241

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3241 - By: DERBY of the House.

An Act relating to public health and safety; amending 63 O.S. 2001, Section 2-204, as last amended by Section 1, Chapter 332, O.S.L. 2008 (63 O.S. Supp. 2009, Section 2-204), which relates to Schedule I controlled substances; adding substances to Schedule I; 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 last amended by
2 Section 1, Chapter 332, O.S.L. 2008 (63 O.S. Supp. 2009, 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
8 these isomers, esters, ethers, and salts is possible within the specific chemical
9 designation:

- 10 1. Acetylmethadol;
- 11 2. Allylprodine;
- 12 3. Alphacetylmethadol;

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

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

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

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

7 B. Any of the following opium derivatives, their salts, isomers, and salts of isomers,
8 unless specifically excepted, when the existence of these salts, isomers, and salts of
9 isomers is 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. Cyrenorphine;
- 16 7. Desomorphine;
- 17 8. Dihydromorphine;
- 18 9. Etorphine;
- 19 10. Heroin;
- 20 11. Hydromorphenol;
- 21 12. Methyl-desorphine;
- 22 13. Methylhydromorphine;

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

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

- 14 1. Methcathinone;
- 15 2. 3, 4-methylenedioxy amphetamine;
- 16 3. 3, 4-methylenedioxy methamphetamine;
- 17 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 18 5. 3, 4, 5-trimethoxy amphetamine;
- 19 6. Bufotenine;
- 20 7. Diethyltryptamine;
- 21 8. Dimethyltryptamine;
- 22 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 16. N-methyl-3-piperidyl benzilate;
- 8 17. Psilocybin;
- 9 18. Psilocyn;
- 10 19. 2, 5 dimethoxyamphetamine;
- 11 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 12 21. 4 methoxyamphetamine;
- 13 22. Cyclohexamine;
- 14 23. Salvia Divinorum;
- 15 24. Salvinorin A;
- 16 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl)
- 17 piperidine; 2-Thienyl Analog of Phencyclidine; TCP, TCP;
- 18 26. Phencyclidine (PCP); ~~or~~
- 19 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phencyclohexyl) -
- 20 Pyrrolidine, PCPy, PHP;
- 21 28. 1-(2-[trifluoromethylphenyl]) piperazine;
- 22 29. 1-Butyl-3-(1-naphthoyl)indole;

1 30. 1-Pentyl-3-(1-naphthoyl)indole; or

2 31. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
3 tetrahydrobenzo[c]chromen-1-ol.

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. This act shall become effective November 1, 2010.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-25-10 - DO
22 PASS, As Amended.