

1 ENGROSSED HOUSE  
2 BILL NO. 2666

By: Derby and Bennett of the  
House

3 and

4 Standridge of the Senate

5  
6  
7 An Act relating to public health and safety; amending  
8 63 O.S. 2011, Sections 2-101, as amended by Section  
9 1, Chapter 80, O.S.L. 2012, 2-204, as last amended by  
10 Section 1, Chapter 181, O.S.L. 2013, 2-206, as  
11 amended by Section 2, Chapter 181, O.S.L. 2013, 2-  
12 210, as last amended by Section 3, Chapter 181,  
13 O.S.L. 2013 and 2-503 (63 O.S. Supp. 2013, Sections  
14 2-101, 2-204, 2-206 and 2-210), which relate to the  
15 Uniform Controlled Dangerous Substances Act;  
16 modifying certain definition; providing statutory  
17 reference; adding substances to Schedules I, II and  
18 IV; making synthetic controlled substances subject to  
19 forfeiture; providing for codification; 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. 2011, Section 2-101, as  
23 amended by Section 1, Chapter 80, O.S.L. 2012 (63 O.S. Supp. 2013,  
24 Section 2-101), is amended to read as follows:

Section 2-101. As used in the Uniform Controlled Dangerous  
Substances Act:

1. "Administer" means the direct application of a controlled  
dangerous substance, whether by injection, inhalation, ingestion or

1 any other means, to the body of a patient, animal or research  
2 subject by:

3 a. a practitioner (or, in the presence of the  
4 practitioner, by the authorized agent of the  
5 practitioner), or

6 b. the patient or research subject at the direction and  
7 in the presence of the practitioner;

8 2. "Agent" means a peace officer appointed by and who acts in  
9 behalf of the Director of the Oklahoma State Bureau of Narcotics and  
10 Dangerous Drugs Control or an authorized person who acts on behalf  
11 of or at the direction of a person who manufactures, distributes,  
12 dispenses, prescribes, administers or uses for scientific purposes  
13 controlled dangerous substances but does not include a common or  
14 contract carrier, public warehouse or employee thereof, or a person  
15 required to register under the Uniform Controlled Dangerous  
16 Substances Act;

17 3. "Board" means the Advisory Board to the Director of the  
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

19 4. "Bureau" means the Oklahoma State Bureau of Narcotics and  
20 Dangerous Drugs Control;

21 5. "Coca leaves" includes cocaine and any compound,  
22 manufacture, salt, derivative, mixture or preparation of coca  
23 leaves, except derivatives of coca leaves which do not contain  
24 cocaine or ecgonine;

1       6. "Commissioner" or "Director" means the Director of the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

3       7. "Control" means to add, remove or change the placement of a  
4 drug, substance or immediate precursor under the Uniform Controlled  
5 Dangerous Substances Act;

6       8. "Controlled dangerous substance" means a drug, substance or  
7 immediate precursor in Schedules I through V of the Uniform  
8 Controlled Dangerous Substances Act, ~~Section 2-101 et seq. of this~~  
9 title or any drug, substance or immediate precursor listed either  
10 temporarily or permanently as a federally controlled substance. Any  
11 conflict between state and federal law with regard to the particular  
12 schedule in which a substance is listed shall be resolved in favor  
13 of state law;

14       9. "Counterfeit substance" means a controlled substance which,  
15 or the container or labeling of which without authorization, bears  
16 the trademark, trade name or other identifying marks, imprint,  
17 number or device or any likeness thereof of a manufacturer,  
18 distributor or dispenser other than the person who in fact  
19 manufactured, distributed or dispensed the substance;

20       10. "Deliver" or "delivery" means the actual, constructive or  
21 attempted transfer from one person to another of a controlled  
22 dangerous substance or drug paraphernalia, whether or not there is  
23 an agency relationship;

24

1 11. "Dispense" means to deliver a controlled dangerous  
2 substance to an ultimate user or human research subject by or  
3 pursuant to the lawful order of a practitioner, including the  
4 prescribing, administering, packaging, labeling or compounding  
5 necessary to prepare the substance for such distribution.

6 "Dispenser" is a practitioner who delivers a controlled dangerous  
7 substance to an ultimate user or human research subject;

8 12. "Distribute" means to deliver other than by administering  
9 or dispensing a controlled dangerous substance;

10 13. "Distributor" means a commercial entity engaged in the  
11 distribution or reverse distribution of narcotics and dangerous  
12 drugs and who complies with all regulations promulgated by the  
13 federal Drug Enforcement Administration and the Oklahoma State  
14 Bureau of Narcotics and Dangerous Drugs Control;

15 14. "Drug" means articles:

16 a. recognized in the official United States

17 Pharmacopoeia, official Homeopathic Pharmacopoeia of  
18 the United States, or official National Formulary, or  
19 any supplement to any of them,

20 b. intended for use in the diagnosis, cure, mitigation,  
21 treatment or prevention of disease in man or other  
22 animals,

23 c. other than food, intended to affect the structure or  
24 any function of the body of man or other animals, and

1           d.   intended for use as a component of any article  
2                   specified in this paragraph;  
3 provided, however, the term "drug" does not include devices or their  
4 components, parts or accessories;

5           15. "Drug-dependent person" means a person who is using a  
6 controlled dangerous substance and who is in a state of psychic or  
7 physical dependence, or both, arising from administration of that  
8 controlled dangerous substance on a continuous basis. Drug  
9 dependence is characterized by behavioral and other responses which  
10 include a strong compulsion to take the substance on a continuous  
11 basis in order to experience its psychic effects, or to avoid the  
12 discomfort of its absence;

13           16. "Home care agency" means any sole proprietorship,  
14 partnership, association, corporation, or other organization which  
15 administers, offers, or provides home care services, for a fee or  
16 pursuant to a contract for such services, to clients in their place  
17 of residence;

18           17. "Home care services" means skilled or personal care  
19 services provided to clients in their place of residence for a fee;

20           18. "Hospice" means a centrally administered, nonprofit or  
21 profit, medically directed, nurse-coordinated program which provides  
22 a continuum of home and inpatient care for the terminally ill  
23 patient and the patient's family. Such term shall also include a  
24 centrally administered, nonprofit or profit, medically directed,

1 nurse-coordinated program if such program is licensed pursuant to  
2 the provisions of this act. A hospice program offers palliative and  
3 supportive care to meet the special needs arising out of the  
4 physical, emotional and spiritual stresses which are experienced  
5 during the final stages of illness and during dying and bereavement.  
6 This care is available twenty-four (24) hours a day, seven (7) days  
7 a week, and is provided on the basis of need, regardless of ability  
8 to pay. "Class A" Hospice refers to Medicare certified hospices.  
9 "Class B" refers to all other providers of hospice services;

10 19. "Imitation controlled substance" means a substance that is  
11 not a controlled dangerous substance, which by dosage unit  
12 appearance, color, shape, size, markings or by representations made,  
13 would lead a reasonable person to believe that the substance is a  
14 controlled dangerous substance. In the event the appearance of the  
15 dosage unit is not reasonably sufficient to establish that the  
16 substance is an "imitation controlled substance", the court or  
17 authority concerned should consider, in addition to all other  
18 factors, the following factors as related to "representations made"  
19 in determining whether the substance is an "imitation controlled  
20 substance":

21 a. statements made by an owner or by any other person in  
22 control of the substance concerning the nature of the  
23 substance, or its use or effect,

24

- 1           b. statements made to the recipient that the substance  
2           may be resold for inordinate profit,
- 3           c. whether the substance is packaged in a manner normally  
4           used for illicit controlled substances,
- 5           d. evasive tactics or actions utilized by the owner or  
6           person in control of the substance to avoid detection  
7           by law enforcement authorities,
- 8           e. prior convictions, if any, of an owner, or any other  
9           person in control of the object, under state or  
10          federal law related to controlled substances or fraud,  
11          and
- 12          f. the proximity of the substances to controlled  
13          dangerous substances;

14          20. "Immediate precursor" means a substance which the Director  
15          has found to be and by regulation designates as being the principal  
16          compound commonly used or produced primarily for use, and which is  
17          an immediate chemical intermediary used, or likely to be used, in  
18          the manufacture of a controlled dangerous substance, the control of  
19          which is necessary to prevent, curtail or limit such manufacture;

20          21. "Laboratory" means a laboratory approved by the Director as  
21          proper to be entrusted with the custody of controlled dangerous  
22          substances and the use of controlled dangerous substances for  
23          scientific and medical purposes and for purposes of instruction;

1       22. "Manufacture" means the production, preparation,  
2 propagation, compounding or processing of a controlled dangerous  
3 substance, either directly or indirectly by extraction from  
4 substances of natural or synthetic origin, or independently by means  
5 of chemical synthesis or by a combination of extraction and chemical  
6 synthesis. "Manufacturer" includes any person who packages,  
7 repackages or labels any container of any controlled dangerous  
8 substance, except practitioners who dispense or compound  
9 prescription orders for delivery to the ultimate consumer;

10       23. "Marihuana" means all parts of the plant *Cannabis sativa*  
11 *L.*, whether growing or not; the seeds thereof; the resin extracted  
12 from any part of such plant; and every compound, manufacture, salt,  
13 derivative, mixture or preparation of such plant, its seeds or  
14 resin, but shall not include the mature stalks of such plant, fiber  
15 produced from such stalks, oil or cake made from the seeds of such  
16 plant, any other compound, manufacture, salt, derivative, mixture or  
17 preparation of such mature stalks (except the resin extracted  
18 therefrom), fiber, oil or cake, or the sterilized seed of such plant  
19 which is incapable of germination;

20       24. "Medical purpose" means an intention to utilize a  
21 controlled dangerous substance for physical or mental treatment, for  
22 diagnosis, or for the prevention of a disease condition not in  
23 violation of any state or federal law and not for the purpose of  
24 satisfying physiological or psychological dependence or other abuse;

1       25. "Mid-level practitioner" means an advanced practice nurse  
2 as defined and within parameters specified in Section 567.3a of  
3 Title 59 of the Oklahoma Statutes, or a certified animal euthanasia  
4 technician as defined in Section 698.2 of Title 59 of the Oklahoma  
5 Statutes, or an animal control officer registered by the Oklahoma  
6 State Bureau of Narcotics and Dangerous Drugs Control under  
7 subsection B of Section 2-301 of this title within the parameters of  
8 such officer's duty under Sections 501 through 508 of Title 4 of the  
9 Oklahoma Statutes;

10       26. "Narcotic drug" means any of the following, whether  
11 produced directly or indirectly by extraction from substances of  
12 vegetable origin, or independently by means of chemical synthesis,  
13 or by a combination of extraction and chemical synthesis:

- 14           a. opium, coca leaves and opiates,
- 15           b. a compound, manufacture, salt, derivative or  
16           preparation of opium, coca leaves or opiates,
- 17           c. cocaine, its salts, optical and geometric isomers, and  
18           salts of isomers,
- 19           d. ecgonine, its derivatives, their salts, isomers and  
20           salts of isomers, and
- 21           e. a substance, and any compound, manufacture, salt,  
22           derivative or preparation thereof, which is chemically  
23           identical with any of the substances referred to in  
24           subparagraphs a through d of this paragraph, except

1           that the words "narcotic drug" as used in Section 2-  
2           101 et seq. of this title shall not include  
3           decocainized coca leaves or extracts of coca leaves,  
4           which extracts do not contain cocaine or ecgonine;

5           27. "Opiate" means any substance having an addiction-forming or  
6           addiction-sustaining liability similar to morphine or being capable  
7           of conversion into a drug having such addiction-forming or  
8           addiction-sustaining liability. It does not include, unless  
9           specifically designated as controlled under the Uniform Controlled  
10          Dangerous Substances Act, the dextrorotatory isomer of 3-methoxy-n-  
11          methyl-morphinan and its salts (dextromethorphan). It does include  
12          its racemic and levorotatory forms;

13          28. "Opium poppy" means the plant of the species *Papaver*  
14          *somniferum* L., except the seeds thereof;

15          29. "Peace officer" means a police officer, sheriff, deputy  
16          sheriff, district attorney's investigator, investigator from the  
17          Office of the Attorney General, or any other person elected or  
18          appointed by law to enforce any of the criminal laws of this state  
19          or of the United States;

20          30. "Person" means an individual, corporation, government or  
21          governmental subdivision or agency, business trust, estate, trust,  
22          partnership or association, or any other legal entity;

23          31. "Poppy straw" means all parts, except the seeds, of the  
24          opium poppy, after mowing;

1 32. "Practitioner" means:

- 2 a. (1) a medical doctor or osteopathic physician,  
3 (2) a dentist,  
4 (3) a podiatrist,  
5 (4) an optometrist,  
6 (5) a veterinarian,  
7 (6) a physician assistant under the supervision of a  
8 licensed medical doctor or osteopathic physician,  
9 (7) a scientific investigator, or  
10 (8) any other person,

11 licensed, registered or otherwise permitted to  
12 prescribe, distribute, dispense, conduct research with  
13 respect to, use for scientific purposes or administer  
14 a controlled dangerous substance in the course of  
15 professional practice or research in this state, or

- 16 b. a pharmacy, hospital, laboratory or other institution  
17 licensed, registered or otherwise permitted to  
18 distribute, dispense, conduct research with respect  
19 to, use for scientific purposes or administer a  
20 controlled dangerous substance in the course of  
21 professional practice or research in this state;

22 33. "Production" includes the manufacture, planting,  
23 cultivation, growing or harvesting of a controlled dangerous  
24 substance;

1       34. "State" means the State of Oklahoma or any other state of  
2 the United States;

3       35. "Ultimate user" means a person who lawfully possesses a  
4 controlled dangerous substance for the person's own use or for the  
5 use of a member of the person's household or for administration to  
6 an animal owned by the person or by a member of the person's  
7 household;

8       36. "Drug paraphernalia" means all equipment, products and  
9 materials of any kind which are used, intended for use, or fashioned  
10 specifically for use in planting, propagating, cultivating, growing,  
11 harvesting, manufacturing, compounding, converting, producing,  
12 processing, preparing, testing, analyzing, packaging, repackaging,  
13 storing, containing, concealing, injecting, ingesting, inhaling or  
14 otherwise introducing into the human body, a controlled dangerous  
15 substance in violation of the Uniform Controlled Dangerous  
16 Substances Act including, but not limited to:

- 17           a. kits used, intended for use, or fashioned specifically  
18               for use in planting, propagating, cultivating, growing  
19               or harvesting of any species of plant which is a  
20               controlled dangerous substance or from which a  
21               controlled dangerous substance can be derived,
- 22           b. kits used, intended for use, or fashioned specifically  
23               for use in manufacturing, compounding, converting,

24

1 producing, processing or preparing controlled  
2 dangerous substances,

3 c. isomerization devices used, intended for use, or  
4 fashioned specifically for use in increasing the  
5 potency of any species of plant which is a controlled  
6 dangerous substance,

7 d. testing equipment used, intended for use, or fashioned  
8 specifically for use in identifying, or in analyzing  
9 the strength, effectiveness or purity of controlled  
10 dangerous substances,

11 e. scales and balances used, intended for use, or  
12 fashioned specifically for use in weighing or  
13 measuring controlled dangerous substances,

14 f. diluents and adulterants, such as quinine  
15 hydrochloride, mannitol, mannite, dextrose and  
16 lactose, used, intended for use, or fashioned  
17 specifically for use in cutting controlled dangerous  
18 substances,

19 g. separation gins and sifters used, intended for use, or  
20 fashioned specifically for use in removing twigs and  
21 seeds from, or in otherwise cleaning or refining,  
22 marihuana,

- 1 h. blenders, bowls, containers, spoons and mixing devices  
2 used, intended for use, or fashioned specifically for  
3 use in compounding controlled dangerous substances,
- 4 i. capsules, balloons, envelopes and other containers  
5 used, intended for use, or fashioned specifically for  
6 use in packaging small quantities of controlled  
7 dangerous substances,
- 8 j. containers and other objects used, intended for use,  
9 or fashioned specifically for use in parenterally  
10 injecting controlled dangerous substances into the  
11 human body,
- 12 k. hypodermic syringes, needles and other objects used,  
13 intended for use, or fashioned specifically for use in  
14 parenterally injecting controlled dangerous substances  
15 into the human body,
- 16 l. objects used, intended for use, or fashioned  
17 specifically for use in ingesting, inhaling or  
18 otherwise introducing marihuana, cocaine, hashish or  
19 hashish oil into the human body, such as:
- 20 (1) metal, wooden, acrylic, glass, stone, plastic or  
21 ceramic pipes with or without screens, permanent  
22 screens, hashish heads or punctured metal bowls,
- 23 (2) water pipes,
- 24 (3) carburetion tubes and devices,

- 1 (4) smoking and carburetion masks,  
2 (5) roach clips, meaning objects used to hold burning  
3 material, such as a marihuana cigarette, that has  
4 become too small or too short to be held in the  
5 hand,  
6 (6) miniature cocaine spoons and cocaine vials,  
7 (7) chamber pipes,  
8 (8) carburetor pipes,  
9 (9) electric pipes,  
10 (10) air-driven pipes,  
11 (11) chillums,  
12 (12) bonges, or  
13 (13) ice pipes or chillers,  
14 m. all hidden or novelty pipes, and  
15 n. any pipe that has a tobacco bowl or chamber of less  
16 than one-half (1/2) inch in diameter in which there is  
17 any detectable residue of any controlled dangerous  
18 substance as defined in this section or any other  
19 substances not legal for possession or use;  
20 provided, however, the term "drug paraphernalia" shall not include  
21 separation gins intended for use in preparing tea or spice, clamps  
22 used for constructing electrical equipment, water pipes designed for  
23 ornamentation in which no detectable amount of an illegal substance  
24 is found or pipes designed and used solely for smoking tobacco,

1 traditional pipes of an American Indian tribal religious ceremony,  
2 or antique pipes that are thirty (30) years of age or older;

3 37. a. "Synthetic controlled substance" means a substance:

4 (1) the chemical structure of which is substantially  
5 similar to the chemical structure of a controlled  
6 dangerous substance in Schedule I or II,

7 (2) which has a stimulant, depressant, or  
8 hallucinogenic effect on the central nervous  
9 system that is substantially similar to or  
10 greater than the stimulant, depressant or  
11 hallucinogenic effect on the central nervous  
12 system of a controlled dangerous substance in  
13 Schedule I or II, or

14 (3) with respect to a particular person, which such  
15 person represents or intends to have a stimulant,  
16 depressant, or hallucinogenic effect on the  
17 central nervous system that is substantially  
18 similar to or greater than the stimulant,  
19 depressant, or hallucinogenic effect on the  
20 central nervous system of a controlled dangerous  
21 substance in Schedule I or II.

22 b. The designation of gamma butyrolactone or any other  
23 chemical as a precursor, pursuant to Section 2-322 of  
24 this title, does not preclude a finding pursuant to

1           subparagraph a of this paragraph that the chemical is  
2           a synthetic controlled substance.

3           c. "Synthetic controlled substance" does not include:

4           (1) a controlled dangerous substance,

5           (2) any substance for which there is an approved new  
6           drug application,

7           (3) with respect to a particular person any  
8           substance, if an exemption is in effect for  
9           investigational use, for that person under the  
10          provisions of Section 505 of the Federal Food,  
11          Drug and Cosmetic Act, Title 21 of the United  
12          States Code, Section 355, to the extent conduct  
13          with respect to such substance is pursuant to  
14          such exemption, or

15          (4) any substance to the extent not intended for  
16          human consumption before such an exemption takes  
17          effect with respect to that substance.

18          d. Prima facie evidence that a substance containing  
19          salvia divinorum has been enhanced, concentrated or  
20          chemically or physically altered shall give rise to a  
21          rebuttable presumption that the substance is a  
22          synthetic controlled substance;

1 38. "Tetrahydrocannabinols" means all substances that have been  
2 chemically synthesized to emulate the tetrahydrocannabinols of  
3 marihuana;

4 39. "Isomer" means the optical isomer, except as used in  
5 ~~subsection~~ subsections C and F of Section 2-204 of this title and  
6 paragraph 4 of subsection A of Section 2-206 of this title. As used  
7 in ~~subsection~~ subsections C and F of Section 2-204 of this title,  
8 "isomer" means the optical, positional or geometric isomer. As used  
9 in paragraph 4 of subsection A of Section 2-206 of this title, the  
10 term "isomer" means the optical or geometric isomer;

11 40. "Hazardous materials" means materials, whether solid,  
12 liquid or gas, which are toxic to human, animal, aquatic or plant  
13 life, and the disposal of which materials is controlled by state or  
14 federal guidelines; and

15 41. "Anhydrous ammonia" means any substance that exhibits  
16 cryogenic evaporative behavior and tests positive for ammonia.

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-204, as  
18 last amended by Section 1, Chapter 181, O.S.L. 2013 (63 O.S. Supp.  
19 2013, Section 2-204), is amended to read as follows:

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

22 A. Any of the following opiates, including their isomers,  
23 esters, ethers, salts, and salts of isomers, esters, and ethers,  
24 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; or
- 20 42. Trimeperidine.

21 B. Any of the following opium derivatives, their salts,  
22 isomers, and salts of isomers, unless specifically excepted, when  
23 the existence of these salts, isomers, and salts of isomers is  
24 possible within the specific chemical designation:

- 1 1. Acetorphine;
- 2 2. Acetyldihydrocodeine;
- 3 3. Benzylmorphine;
- 4 4. Codeine methylbromide;
- 5 5. Codeine-N-Oxide;
- 6 6. Cyprenorphine;
- 7 7. Desomorphine;
- 8 8. Dihydromorphine;
- 9 9. Etorphine;
- 10 10. Heroin;
- 11 11. Hydromorphinol;
- 12 12. Methyldesorphine;
- 13 13. Methylhydromorphine;
- 14 14. Morphine methylbromide;
- 15 15. Morphine methylsulfonate;
- 16 16. Morphine-N-Oxide;
- 17 17. Myrophine;
- 18 18. Nicocodeine;
- 19 19. Nicomorphine;
- 20 20. Normorphine;
- 21 21. Phoclodine; or
- 22 22. Thebacon.
- 23 C. Any material, compound, mixture, or preparation which
- 24 contains any quantity of the following hallucinogenic substances,

1 their salts, isomers, and salts of isomers, unless specifically  
2 excepted, when the existence of these salts, isomers, and salts of  
3 isomers is possible within the specific chemical designation:

- 4 1. Methcathinone;
- 5 2. 3, 4-methylenedioxy amphetamine;
- 6 3. 3, 4-methylenedioxy methamphetamine;
- 7 4. 5-methoxy-3, 4-methylenedioxy amphetamine;
- 8 5. 3, 4, 5-trimethoxy amphetamine;
- 9 6. Bufotenine;
- 10 7. Diethyltryptamine;
- 11 8. Dimethyltryptamine;
- 12 9. 4-methyl-2, 5-dimethoxyamphetamine;
- 13 10. Ibogaine;
- 14 11. Lysergic acid diethylamide;
- 15 12. Marihuana;
- 16 13. Mescaline;
- 17 14. N-benzylpiperazine;
- 18 15. N-ethyl-3-piperidyl benzilate;
- 19 16. N-methyl-3-piperidyl benzilate;
- 20 17. Psilocybin;
- 21 18. Psilocyn;
- 22 19. 2, 5 dimethoxyamphetamine;
- 23 20. 4 Bromo-2, 5-dimethoxyamphetamine;
- 24 21. 4 methoxyamphetamine;

- 1 22. Cyclohexamine;
- 2 23. Salvia Divinorum;
- 3 24. Salvinorin A;
- 4 25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-
- 5 thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine;
- 6 TPCP, TCP;
- 7 26. Phencyclidine (PCP);
- 8 27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-
- 9 Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
- 10 28. 1-(3-trifluoromethylphenyl) piperazine;
- 11 29. Flunitrazepam;
- 12 30. B-hydroxy-amphetamine;
- 13 31. B-ketoamphetamine;
- 14 32. 2,5-dimethoxy-4-nitroamphetamine;
- 15 33. 2,5-dimethoxy-4-bromophenethylamine;
- 16 34. 2,5-dimethoxy-4-chlorophenethylamine;
- 17 35. 2,5-dimethoxy-4-iodoamphetamine;
- 18 36. 2,5-dimethoxy-4-iodophenethylamine;
- 19 37. 2,5-dimethoxy-4-methylphenethylamine;
- 20 38. 2,5-dimethoxy-4-ethylphenethylamine;
- 21 39. 2,5-dimethoxy-4-fluorophenethylamine;
- 22 40. 2,5-dimethoxy-4-nitrophenethylamine;
- 23 41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
- 24 42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;

- 1 43. 2,5-dimethoxy-4-propylthio-phenethylamine;
- 2 44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
- 3 45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
- 4 46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
- 5 47. 5-methoxy-N, N-dimethyltryptamine;
- 6 48. N-methyltryptamine;
- 7 49. A-ethyltryptamine;
- 8 50. A-methyltryptamine;
- 9 51. N, N-diethyltryptamine;
- 10 52. N, N-diisopropyltryptamine;
- 11 53. N, N-dipropyltryptamine;
- 12 54. 5-methoxy-a-methyltryptamine;
- 13 55. 4-hydroxy-N, N-diethyltryptamine;
- 14 56. 4-hydroxy-N, N-diisopropyltryptamine;
- 15 57. 5-methoxy-N, N-diisopropyltryptamine;
- 16 58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
- 17 59. 3,4-Methylenedioxy-methcathinone (Mephedrone);
- 18 60. 3,4-Methylenedioxy-pyrovalerone (MDPV);
- 19 61. 4-Methylmethcathinone (Mephedrone);
- 20 62. 4-methoxymethcathinone;
- 21 63. 4-Fluoromethcathinone;
- 22 64. 3-Fluoromethcathinone;
- 23 65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
- 24 66. 2,5-Dimethoxy-4-chloroamphetamine;

- 1 67. 4-Methylethcathinone;
- 2 68. Pyrovalerone;
- 3 69. N,N-diallyl-5-methoxytryptamine;
- 4 70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
- 5 71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
- 6 72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
- 7 73. Alpha-Pyrrolidinopentiophenone;
- 8 74. 4-Fluoroamphetamine;
- 9 75. Pentredone;
- 10 76. 4'-Methyl-a-pyrrolidinohexaphenone;
- 11 77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
- 12 78. 2,5-dimethoxyphenethylamine;
- 13 79. 1,4-Dibenzylpiperazine;
- 14 80. N,N-Dimethylamphetamine;
- 15 81. 4-Fluoromethamphetamine;
- 16 82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
- 17 (25C-NBOMe); ~~or~~
- 18 83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine
- 19 (25I-NBOMe);
- 20 84. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzy)phenethylamine
- 21 (25B-NBOMe); or
- 22 85. 1-(4-Fluorophenyl)piperazine.

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

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

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  
24

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           F. Any material, compound, mixture, or preparation ~~which~~  
19 ~~contains any quantity of the following synthetic, whether produced~~  
20 directly or indirectly from a substance of vegetable origin or  
21 independently by means of chemical compounds that are cannabinoid  
22 receptor agonists and mimic the pharmacological effects of naturally  
23 occurring synthesis, or by a combination of extraction and chemical  
24 synthesis, that contains any quantity of the following substances,

1 or that contains any of their salts, isomers, and salts of isomers,  
2 ~~unless specifically excepted,~~ when the existence of these salts,  
3 isomers, and salts of isomers is possible within the specific  
4 chemical designation:

- 5 1. JWH-004;
- 6 2. JWH-007;
- 7 3. JWH-009;
- 8 4. JWH-015;
- 9 5. JWH-016;
- 10 6. JWH-018;
- 11 7. JWH-019;
- 12 8. JWH-020;
- 13 9. JWH-030;
- 14 10. JWH-046;
- 15 11. JWH-047;
- 16 12. JWH-048;
- 17 13. JWH-049;
- 18 14. JWH-050;
- 19 15. JWH-070;
- 20 16. JWH-071;
- 21 17. JWH-072;
- 22 18. JWH-073;
- 23 19. JWH-076;
- 24 20. JWH-079;

- 1 21. JWH-080;
- 2 22. JWH-081;
- 3 23. JWH-082;
- 4 24. JWH-094;
- 5 25. JWH-096;
- 6 26. JWH-098;
- 7 27. JWH-116;
- 8 28. JWH-120;
- 9 29. JWH-122;
- 10 30. JWH-145;
- 11 31. JWH-146;
- 12 32. JWH-147;
- 13 33. JWH-148;
- 14 34. JWH-149;
- 15 35. JWH-150;
- 16 36. JWH-156;
- 17 37. JWH-167;
- 18 38. JWH-175;
- 19 39. JWH-180;
- 20 40. JWH-181;
- 21 41. JWH-182;
- 22 42. JWH-184;
- 23 43. JWH-185;
- 24 44. JWH-189;

- 1 45. JWH-192;
- 2 46. JWH-193;
- 3 47. JWH-194;
- 4 48. JWH-195;
- 5 49. JWH-196;
- 6 50. JWH-197;
- 7 51. JWH-198;
- 8 52. JWH-199;
- 9 53. JWH-200;
- 10 54. JWH-201;
- 11 55. JWH-202;
- 12 56. JWH-203;
- 13 57. JWH-204;
- 14 58. JWH-205;
- 15 59. JWH-206;
- 16 60. JWH-207;
- 17 61. JWH-208;
- 18 62. JWH-209;
- 19 63. JWH-210;
- 20 64. JWH-211;
- 21 65. JWH-212;
- 22 66. JWH-213;
- 23 67. JWH-234;
- 24 68. JWH-235;

- 1 69. JWH-236;
- 2 70. JWH-237;
- 3 71. JWH-239;
- 4 72. JWH-240;
- 5 73. JWH-241;
- 6 74. JWH-242;
- 7 75. JWH-243;
- 8 76. JWH-244;
- 9 77. JWH-245;
- 10 78. JWH-246;
- 11 79. JWH-248;
- 12 80. JWH-249;
- 13 81. JWH-250;
- 14 82. JWH-251;
- 15 83. JWH-252;
- 16 84. JWH-253;
- 17 85. JWH-262;
- 18 86. JWH-292;
- 19 87. JWH-293;
- 20 88. JWH-302;
- 21 89. JWH-303;
- 22 90. JWH-304;
- 23 91. JWH-305;
- 24 92. JWH-306;

- 1 93. JWH-307;
- 2 94. JWH-308;
- 3 95. JWH-311;
- 4 96. JWH-312;
- 5 97. JWH-313;
- 6 98. JWH-314;
- 7 99. JWH-315;
- 8 100. JWH-316;
- 9 101. JWH-346;
- 10 102. JWH-348;
- 11 103. JWH-363;
- 12 104. JWH-364;
- 13 105. JWH-365;
- 14 106. JWH-367;
- 15 107. JWH-368;
- 16 108. JWH-369;
- 17 109. JWH-370;
- 18 110. JWH-371;
- 19 111. JWH-373;
- 20 112. JWH-386;
- 21 113. JWH-387;
- 22 114. JWH-392;
- 23 115. JWH-394;
- 24 116. JWH-395;

- 1 117. JWH-397;
- 2 118. JWH-398;
- 3 119. JWH-399;
- 4 120. JWH-400;
- 5 121. JWH-412;
- 6 122. JWH-413;
- 7 123. JWH-414;
- 8 124. JWH-415;
- 9 125. CP-55, 940;
- 10 126. CP-47, 497;
- 11 127. HU-210;
- 12 128. HU-211;
- 13 129. WIN-55, 212-2;
- 14 130. AM-2201;
- 15 131. AM-2233;
- 16 132. JWH-018 adamantyl-carboxamide;
- 17 133. AKB48;
- 18 134. JWH-122 N-(4-pentenyl) analog;
- 19 135. MAM2201;
- 20 136. URB597;
- 21 137. URB602;
- 22 138. URB754;
- 23 139. UR144;
- 24 140. XLR11;

- 1 141. A-796,260; ~~and~~  
2 142. STS-135;  
3 143. AB-FUBINACA;  
4 144. AB-PINACA;  
5 145. PB-22;  
6 146. AKB48 N-5-Fluoropentyl;  
7 147. AM1248;  
8 148. FUB-PB-22;  
9 149. ADB-FUBINACA;  
10 150. BB-22;  
11 151. 5-Fluoro PB-22; or  
12 152. 5-Fluoro AKB-48.

13 G. In addition to those substances listed in subsection F of  
14 this section, unless specifically excepted or unless listed in  
15 another schedule, any material, compound, mixture, or preparation  
16 which contains any quantity of a synthetic cannabinoid found to be  
17 in any of the following chemical groups:

18 1. Naphthoylindoles: any compound containing a 3-(1-  
19 naphthoyl)indole structure with or without substitution at the  
20 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
21 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-  
22 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-  
23 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or  
24 (tetrahydropyran-4-yl)methyl group, whether or not further

1 substituted on the indole ring to any extent, and whether or not  
2 substituted on the naphthyl ring to any extent. Naphthoylindoles  
3 include, but are not limited to:

- 4 a. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-  
5 200),
- 6 b. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
- 7 c. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
- 8 d. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
- 9 e. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
- 10 f. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
- 11 g. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
- 12 h. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
- 13 i. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
- 14 j. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
- 15 k. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
- 16 l. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
- 17 m. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole  
18 (JWH-098),
- 19 n. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
- 20 o. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-  
21 naphthoyl)indole (AM-1220),
- 22 p. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole  
23 (MAM-2201), or
- 24 q. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

1        2. Naphthylmethyloindoles: any compound containing a 1H-indol-3-  
2 yl-(1-naphthyl)methane structure with or without substitution at the  
3 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
4 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-  
5 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-  
6 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or  
7 (tetrahydropyran-4-yl)methyl group, whether or not further  
8 substituted on the indole ring to any extent, and whether or not  
9 substituted on the naphthyl ring to any extent.

10 Naphthylmethyloindoles include, but are not limited to,  
11 (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

12        3. Naphthoylpyrroles: any compound containing a 3-(1-  
13 naphthoyl)pyrrole structure with or without substitution at the  
14 nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,  
15 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,  
16 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
17 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
18 morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether  
19 or not further substituted on the pyrrole ring to any extent, and  
20 whether or not substituted on the naphthyl group to any extent.

21 Naphthoylpyrroles include, but are not limited to:

- 22        a. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),  
23        b. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole  
24        (JWH-370),

1           c.    1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or

2           d.    1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

3           4.    Naphthylideneindenes: any compound containing a

4 naphthylideneindene structure with or without substitution at the 3-

5 position of the indene ring by an alkyl, haloalkyl, cyanoalkyl,

6 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-

7 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-

8 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or

9 (tetrahydropyran-4-yl)methyl group, whether or not further

10 substituted on the indene group to any extent, and whether or not

11 substituted on the naphthyl group to any extent.

12 Naphthylmethylindenes include, but are not limited to,

13 (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

14           5.    Phenylacetylindoles: any compound containing a 3-

15 phenylacetylindole structure with or without substitution at the

16 nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl,

17 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-

18 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-

19 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or

20 (tetrahydropyran-4-yl)methyl group, whether or not further

21 substituted on the indole ring to any extent, and whether or not

22 substituted on the phenyl ring to any extent. Phenylacetylindoles

23 include, but are not limited to:

24           a.    1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),

- 1            b. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole  
2            (RCS-8),
- 3            c. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),  
4            d. 1-Pentyl-3-(2-methylphenylacetyl)indole (JWH-251),  
5            e. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or  
6            f. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

7            6. Cyclohexylphenols: any compound containing a 2-(3-  
8 hydroxycyclohexyl)phenol structure with or without substitution at  
9 the 5-position of the phenolic ring by an alkyl, haloalkyl,  
10 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl,  
11 halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-  
12 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-  
13 morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, and  
14 whether or not further substituted on the cyclohexyl ring to any  
15 extent. Cyclohexylphenols include, but are not limited to:

- 16            a. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-  
17 hydroxycyclohexyl]-phenol (CP-47,497),
- 18            b. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-  
19 phenol (cannabicyclohexanol; CP-47,497 C8 homologue),  
20            or
- 21            c. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-  
22 hydroxypropyl)cyclohexyl]-phenol (CP 55,490);

23            7. Benzoylindoles: any compound containing a 3-(1-  
24 benzoyl)indole structure with or without substitution at the

1 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,  
2 alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-  
3 (N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-  
4 2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or  
5 (tetrahydropyran-4-yl)methyl group, whether or not further  
6 substituted on the indole ring to any extent, and whether or not  
7 substituted on the phenyl group to any extent. Benzoylindoles  
8 include, but are not limited to:

- 9       a. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),  
10       b. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-  
11           methoxybenzoyl)indole (Pravadoline or WIN 48, 098),  
12       c. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),  
13       d. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or  
14       e. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-  
15           iodobenzoyl)indole (AM-2233);

16       8. Cyclopropoylindoles: Any compound containing a 3-  
17 (cyclopropoyl)indole structure with substitution at the nitrogen  
18 atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
19 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-  
20 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
21 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or  
22 (tetrahydropyran-4-yl)methyl group, whether or not further  
23 substituted in the indole ring to any extent and whether or not  
24

1 substituted in the cyclopropoyl ring to any extent.

2 Cyclopropoylindoles include, but are not limited to:

3 a. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole

4 (UR-144),

5 b. 1-(5-chloropentyl)-3-(2,2,3,3-

6 tetramethylcyclopropoyl)indole (5Cl-UR-144), or

7 c. 1-(5-fluoropentyl)-3-(2,2,3,3-

8 tetramethylcyclopropoyl)indole (XLR11);

9 9. Indole Amides: Any compound containing a 1H-Indole-3-  
10 carboxamide structure with substitution at either nitrogen atom of  
11 the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,  
12 cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-  
13 2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-  
14 pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or  
15 (tetrahydropyran-4-yl)methyl group, whether or not substituted at  
16 the carboxamide group by an adamantyl, 1-naphthyl, or phenol group,  
17 and whether or not further substituted in the indole, adamantyl,  
18 naphthyl, or phenyl rings to any extent. Indole Amides include, but  
19 are not limited to:

20 a. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide

21 (2NE1), or

22 b. N-(1-adamantyl)-1-(5-fluoropentyl-1H-indole-3-

23 carboxamide (STS-135); and

24

1        10. Modified by Replacement: any compound defined in this  
2 subsection that is modified by replacement of a carbon with nitrogen  
3 in the indole, naphthyl, or indene ring.

4        SECTION 3.        AMENDATORY        63 O.S. 2011, Section 2-206, as  
5 amended by Section 2, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2013,  
6 Section 2-206), is amended to read as follows:

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

9        A. Any of the following substances except those narcotic drugs  
10 listed in other schedules whether produced directly or indirectly by  
11 extraction from substances of vegetable origin, or independently by  
12 means of chemical synthesis, or by combination of extraction and  
13 chemical synthesis:

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

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

20        3. Opium poppy and poppy straw; or

21        4. Coca leaves except coca leaves and extracts of coca leaves  
22 from which cocaine, ecgonine, and derivatives of ecgonine or their  
23 salts have been removed; cocaine, its salts, optical and geometric  
24 isomers, and salts of isomers; ecgonine, its derivatives, their

1 salts, isomers and salts of isomers; or any compound, mixture or  
2 preparation which contains any quantity of any of the substances  
3 referred to in this paragraph.

4 B. Any of the following opiates, including their isomers,  
5 esters, ethers, salts, and salts of isomers, esters and ethers, when  
6 the existence of these isomers, esters, ethers, and salts is  
7 possible within the specific chemical designation:

- 8 1. Alphaprodine;
- 9 2. Anileridine;
- 10 3. Bezitramide;
- 11 4. Dihydrocodeine;
- 12 5. Diphenoxylate;
- 13 6. Fentanyl;
- 14 7. Hydromorphone;
- 15 8. Isomethadone;
- 16 9. Levomethorphan;
- 17 10. Levorphanol;
- 18 11. Metazocine;
- 19 12. Methadone;
- 20 13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-  
21 diphenyl butane;
- 22 14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-  
23 diphenyl-propane-carboxylic acid;
- 24 15. Oxycodone;

- 1 16. Oxymorphone;
- 2 17. Pethidine (Meperidine);
- 3 18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-
- 4 phenylpiperidine;
- 5 19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-
- 6 carboxylate;
- 7 20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-
- 8 4-carboxylic acid;
- 9 21. Phenazocine;
- 10 22. Piminodine;
- 11 23. Racemethorphan;
- 12 24. Racemorphan;
- 13 25. Etorphine Hydrochloride salt only;
- 14 26. Alfentanil hydrochloride;
- 15 27. Levo-alphaacetylmethadol;
- 16 28. Codeine;
- 17 29. Hydrocodone;
- 18 30. Morphine;
- 19 31. Remifentanil;
- 20 32. Sufentanil; or
- 21 33. Tapentadol.
- 22 C. Any substance which contains any quantity of:
- 23 1. Methamphetamine, including its salts, isomers, and salts of
- 24 isomers;

- 1        2. Amphetamine, its salts, optical isomers, and salts of its
- 2 optical isomers;
- 3        3. Nabilone; or
- 4        4. Lisdexamfetamine.

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

- 9        1. Phenmetrazine and its salts;
- 10       2. Methylphenidate;
- 11       3. Amobarbital;
- 12       4. Pentobarbital; ~~or~~
- 13       5. Secobarbital; or
- 14       6. Ethylphenidate.

15       SECTION 4.        AMENDATORY        63 O.S. 2011, Section 2-210, as  
16 last amended by Section 3, Chapter 181, O.S.L. 2013 (63 O.S. Supp.  
17 2013, Section 2-210), is amended to read as follows:

18        Section 2-210. A. Any material, compound, mixture, or  
19 preparation which contains any quantity of the following substances  
20 having a potential for abuse associated with a stimulant or  
21 depressant effect on the central nervous system:

- 22       1. Chloral betaine;
- 23       2. Chloral hydrate;
- 24       3. Ethchlorvynol;

- 1 4. Ethinamate;
- 2 5. Meproamate;
- 3 6. Paraldehyde;
- 4 7. Petrichloral;
- 5 8. Diethylpropion;
- 6 9. Phentermine;
- 7 10. Pemoline;
- 8 11. Chlordiazepoxide;
- 9 12. Chlordiazepoxide and its salts, but not including
- 10 chlordiazepoxide hydrochloride and clidinium bromide or
- 11 chlordiazepoxide and water-soluble esterified estrogens;
- 12 13. Diazepam;
- 13 14. Oxazepam;
- 14 15. Clorazepate;
- 15 16. Flurazepam and its salts;
- 16 17. Clonazepam;
- 17 18. Barbital;
- 18 19. Mebutamate;
- 19 20. Methohexital;
- 20 21. Methylphenobarbital;
- 21 22. Phenobarbital;
- 22 23. Fenfluramine;
- 23 24. Pentazocine;
- 24 25. Propoxyphene;

- 1 26. Butorphanol;
- 2 27. Alprazolam;
- 3 28. Halazepam;
- 4 29. Lorazepam;
- 5 30. Prazepam;
- 6 31. Temazepam;
- 7 32. Triazolam;
- 8 33. Carisoprodol;
- 9 34. Dichloralphenazone;
- 10 35. Estazolam;
- 11 36. Eszopiclone;
- 12 37. Midazolam;
- 13 38. Modafinil;
- 14 39. Zaleplon;
- 15 40. Zolpidem; ~~or~~
- 16 41. Tramadol; or
- 17 42. Bromazepam.

18 B. 1. The following nonnarcotic substances, which may, under  
19 the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301),  
20 be lawfully sold over the counter without a prescription, are  
21 excluded from all schedules of controlled substances under this  
22 title:

- 23 a. Breathe-Aid,
- 24 b. BronCare,

- c. Bronchial Congestion,
- d. Bronkaid Tablets,
- e. Bronkaid Dual Action Caplets,
- f. Bronkotabs,
- g. Bronkolixir,
- h. NeoRespin,
- i. Pazo Hemorrhoid Ointment and Suppositories,
- j. Primatene Tablets,
- k. Primatene "Dual Action" Formula,
- l. Quelidrine,
- m. Resp, and
- n. Vatronal Nose Drops.

2. At the request of any person, the Director may exempt any other drug product containing ephedrine from being included as a Schedule IV controlled substance if such product:

- a. is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph issued by the FDA, and
- b. is manufactured and distributed for legitimate medicinal use and in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding a drug product, the Director, after notice and hearing, shall consider the following:

- a. the history and current pattern of abuse,

- 1           b.    the name and labeling of the product,  
2           c.    the intended manner of distribution, advertising and  
3                promotion of the product, and  
4           d.    other factors as may be relevant to and consistent  
5                with the public health and safety.

6           4.    The hearing shall be held in accordance with the  
7 Administrative Procedures Act.

8           5.    A list of current drug products meeting exemption  
9 requirements under this subsection may be obtained from the Bureau  
10 upon written request.

11           C.    The Board of Pharmacy may except by rule any compound,  
12 mixture, or preparation containing any depressant substance listed  
13 in subsection A of this section from the application of all or any  
14 part of the Uniform Controlled Dangerous Substances Act, Section 2-  
15 101 et seq. of this title, if the compound, mixture, or preparation  
16 contains one or more active medicinal ingredients not having a  
17 depressant effect on the central nervous system, and if the  
18 admixtures are included therein in combinations, quantity,  
19 proportion, or concentration that vitiate the potential for abuse of  
20 the substances which have a depressant effect on the central nervous  
21 system.

22           SECTION 5.        AMENDATORY        63 O.S. 2011, Section 2-503, is  
23 amended to read as follows:

1 Section 2-503. A. The following shall be subject to  
2 forfeiture:

3 1. All controlled dangerous substances and synthetic controlled  
4 substances which have been manufactured, distributed, dispensed,  
5 acquired, concealed or possessed in violation of the Uniform  
6 Controlled Dangerous Substances Act;

7 2. All raw materials, products and equipment of any kind and  
8 all drug paraphernalia as defined by the Uniform Controlled  
9 Dangerous Substances Act, which are used, or intended for use, in  
10 manufacturing, compounding, processing, delivering, importing or  
11 exporting, injecting, ingesting, inhaling, or otherwise introducing  
12 into the human body any controlled dangerous substance or synthetic  
13 controlled substance in violation of the provisions of the Uniform  
14 Controlled Dangerous Substances Act;

15 3. All property which is used, or intended for use, as a  
16 container for property described in paragraphs 1, 2, 5 and 6 of this  
17 subsection;

18 4. All conveyances, including aircraft, vehicles, vessels, or  
19 farm implements which are used to transport, conceal, or cultivate  
20 for the purpose of distribution as defined in the Uniform Controlled  
21 Dangerous Substances Act, or which are used in any manner to  
22 facilitate the transportation or cultivation for the purpose of sale  
23 or receipt of property described in paragraphs 1 or 2 of this  
24 subsection or when the property described in paragraphs 1 or 2 of

1 this subsection is unlawfully possessed by an occupant thereof,  
2 except that:

3 a. no conveyance used by a person as a common carrier in  
4 the transaction of business as a common carrier shall  
5 be forfeited under the provisions of the Uniform  
6 Controlled Dangerous Substances Act unless it shall  
7 appear that the owner or other person in charge of  
8 such conveyance was a consenting party or privy to a  
9 violation of the Uniform Controlled Dangerous  
10 Substances Act, and

11 b. no conveyance shall be forfeited under the provisions  
12 of this section by reason of any act or omission  
13 established by the owner thereof to have been  
14 committed or omitted without the knowledge or consent  
15 of such owner, and if the act is committed by any  
16 person other than such owner the owner shall establish  
17 further that the conveyance was unlawfully in the  
18 possession of a person other than the owner in  
19 violation of the criminal laws of the United States,  
20 or of any state;

21 5. All books, records and research, including formulas,  
22 microfilm, tapes and data which are used in violation of the Uniform  
23 Controlled Dangerous Substances Act;

24

1       6. All things of value furnished, or intended to be furnished,  
2 in exchange for a controlled dangerous substance in violation of the  
3 Uniform Controlled Dangerous Substances Act, all proceeds traceable  
4 to such an exchange, and all monies, negotiable instruments, and  
5 securities used, or intended to be used, to facilitate any violation  
6 of the Uniform Controlled Dangerous Substances Act;

7       7. All monies, coin and currency found in close proximity to  
8 any amount of forfeitable substances, to forfeitable drug  
9 manufacturing or distribution paraphernalia or to forfeitable  
10 records of the importation, manufacture or distribution of  
11 substances, which are rebuttably presumed to be forfeitable under  
12 the Uniform Controlled Dangerous Substances Act. The burden of  
13 proof is upon claimants of the property to rebut this presumption;

14       8. All real property, including any right, title, and interest  
15 in the whole of any lot or tract of land and any appurtenance or  
16 improvement thereto, which is used, or intended to be used, in any  
17 manner or part, to commit, or to facilitate the commission of, a  
18 violation of the Uniform Controlled Dangerous Substances Act which  
19 is punishable by imprisonment for more than one (1) year, except  
20 that no property right, title or interest shall be forfeited  
21 pursuant to this paragraph, by reason of any act or omission  
22 established by the owner thereof to have been committed or omitted  
23 without the knowledge or consent of that owner; and

24

1           9. All weapons possessed, used or available for use in any  
2 manner to facilitate a violation of the Uniform Controlled Dangerous  
3 Substances Act.

4           B. Any property or thing of value of a person is subject to  
5 forfeiture if it is established by a preponderance of the evidence  
6 that such property or thing of value was acquired by such person  
7 during the period of the violation of the Uniform Controlled  
8 Dangerous Substances Act or within a reasonable time after such  
9 period and there was no likely source for such property or thing of  
10 value other than the violation of the Uniform Controlled Dangerous  
11 Substances Act.

12           C. Any property or thing of value of a person is subject to  
13 forfeiture if it is established by a preponderance of the evidence  
14 that the person has not paid all or part of a fine imposed pursuant  
15 to the provisions of Section 2-415 of this title.

16           D. All items forfeited in this section shall be forfeited under  
17 the procedures established in Section 2-506 of this title. Whenever  
18 any item is forfeited pursuant to this section except for items  
19 confiscated by the Oklahoma State Bureau of Narcotics and Dangerous  
20 Drugs Control, the Department of Public Safety, the Oklahoma State  
21 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
22 Commission, the Department of Corrections, or the Office of the  
23 Attorney General, the district court of the district shall order  
24 that such item, money, or monies derived from the sale of such item

1 be deposited by the state, county or city law enforcement agency  
2 which seized the item in the revolving fund provided for in Section  
3 2-506 of this title; provided, such item, money or monies derived  
4 from the sale of such item forfeited due to nonpayment of a fine  
5 imposed pursuant to the provisions of Section 2-415 of this title  
6 shall be apportioned as provided in Section 2-416 of this title.  
7 Items, money or monies seized pursuant to subsections A and B of  
8 this section shall not be applied or considered toward satisfaction  
9 of the fine imposed by Section 2-415 of this title. All raw  
10 materials used or intended to be used by persons to unlawfully  
11 manufacture or attempt to manufacture any controlled dangerous  
12 substance in violation of the Uniform Controlled Dangerous  
13 Substances Act shall be summarily forfeited pursuant to the  
14 provisions of Section 2-505 of this title.

15 E. All property taken or detained under this section by the  
16 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the  
17 Department of Public Safety, the Oklahoma State Bureau of  
18 Investigation, the Alcoholic Beverage Laws Enforcement Commission,  
19 the Department of Corrections, or the Office of the Attorney  
20 General, shall not be repleviable, but shall remain in the custody  
21 of the Bureaus, Departments, Commission, or Office, respectively,  
22 subject only to the orders and decrees of a court of competent  
23 jurisdiction. The Director of the Oklahoma State Bureau of  
24 Narcotics and Dangerous Drugs Control, the Commissioner of Public

1 Safety, the Director of the Oklahoma State Bureau of Investigation,  
2 the Director of the Alcoholic Beverage Laws Enforcement Commission,  
3 the Director of the Department of Corrections, and the Attorney  
4 General shall follow the procedures outlined in Section 2-506 of  
5 this title dealing with notification of seizure, intent of  
6 forfeiture, final disposition procedures, and release to innocent  
7 claimants with regard to all property included in this section  
8 detained by the Department of Public Safety, the Oklahoma State  
9 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
10 Commission, the Department of Corrections, or the Office of the  
11 Attorney General. Property taken or detained by the Oklahoma State  
12 Bureau of Narcotics and Dangerous Drugs Control, the Department of  
13 Public Safety, the Oklahoma State Bureau of Investigation, the  
14 Alcoholic Beverage Laws Enforcement Commission, the Department of  
15 Corrections, or the Office of the Attorney General shall be disposed  
16 of or sold pursuant to the provisions of Section 2-508 of this  
17 title. Any money, coins, and currency, taken or detained pursuant  
18 to this section may be deposited in an interest bearing account by  
19 or at the direction of the State Treasurer if the seizing agency  
20 determines the currency is not to be held as evidence. All interest  
21 earned on such monies shall be returned to the claimant or forfeited  
22 with the money, coins, and currency which was taken or detained as  
23 provided by law.

24

1 F. The proceeds of any forfeiture of items seized by the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall  
3 be distributed as follows:

4 1. To the bona fide or innocent purchaser, conditional sales  
5 vendor or mortgagee of the property, if any, up to the amount of his  
6 interest in the property, when the court declaring a forfeiture  
7 orders a distribution to such person; and

8 2. The balance to the Bureau of Narcotics Revolving Fund  
9 established pursuant to Section 2-107 of this title, provided the  
10 Bureau may enter into agreements with municipal, tribal, county,  
11 state or federal law enforcement agencies, or other state agencies  
12 with CLEET-certified law enforcement officers, assisting in the  
13 forfeiture or underlying criminal investigation, to return to such  
14 an agency a percentage of said proceeds.

15 G. Any agency that acquires seized or forfeited property or  
16 money shall maintain a true and accurate inventory and record of all  
17 such property seized pursuant to this section.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2-312.2 of Title 63, unless  
20 there is created a duplication in numbering, reads as follows:

21 Naloxone, also known as Narcan, or any of its generic  
22 equivalents may be dispensed or sold by a pharmacy without a  
23 prescription; provided, however, it shall be dispensed or sold only  
24 by, or under the supervision of, a licensed pharmacist.

