

## 1 HOUSE BILL NO. 185

2 INTRODUCED BY T. BERRY, G. MACLAREN, J. O'HARA, J. TAYLOR

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT LISTING SYNTHETIC MARIJUANA AND SALVIA AS DANGEROUS  
5 DRUGS; REQUIRING RULEMAKING BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;  
6 PROVIDING PENALTIES; AMENDING SECTIONS 44-12-102, 45-9-101, 45-9-102, 45-9-110, 50-31-306,  
7 50-31-310, AND 50-32-222, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10

11 **Section 1.** Section 44-12-102, MCA, is amended to read:12 **"44-12-102. Things subject to forfeiture.** (1) The following are subject to forfeiture:13 (a) all controlled substances that have been manufactured, distributed, prepared, cultivated,  
14 compounded, processed, or possessed in violation of Title 45, chapter 9;15 (b) all money, raw materials, products, and equipment of any kind that are used or intended for use in  
16 manufacturing, preparing, cultivating, compounding, processing, delivering, importing, or exporting any controlled  
17 substance in violation of Title 45, chapter 9, except items used or intended for use in connection with quantities  
18 of marijuana in amounts less than 60 grams;19 (c) except as provided in subsection (2)(d), all property that is used or intended for use as a container  
20 for anything enumerated in subsection (1)(a) or (1)(b);21 (d) except as provided in subsection (2), all conveyances, including aircraft, vehicles, and vessels, that  
22 are used or intended for use in any manner to facilitate the commission of a violation of Title 45, chapter 9;23 (e) all books, records, and research products and materials, including formulas, microfilm, tapes, and  
24 data, that are used or intended for use in violation of Title 45, chapter 9;

25 (f) all drug paraphernalia as defined in 45-10-101;

26 (g) everything of value furnished or intended to be furnished in exchange for a controlled substance in  
27 violation of Title 45, chapter 9, all proceeds traceable to an exchange, and all money, negotiable instruments, and  
28 securities used or intended to be used to facilitate a violation of Title 45, chapter 9;29 (h) any personal property constituting or derived from proceeds obtained directly or indirectly from a  
30 violation of Title 45, chapter 9, that is punishable by more than 5 years in prison; and

1 (i) real property, including any right, title, and interest in any lot or tract of land and any appurtenances  
2 or improvements, that is directly used or intended to be used in any manner or part to commit or facilitate the  
3 commission of or that is derived from or maintained by the proceeds resulting from a violation of Title 45, chapter  
4 9, that is punishable by more than 5 years in prison. An owner's interest in real property is not subject to forfeit  
5 by reason of any act or omission unless it is proved that the act or omission was the owner's or was with the  
6 owner's actual knowledge or express consent.

7 (2) (a) A conveyance used by a person as a common carrier in the transaction of business as a common  
8 carrier is not subject to forfeiture under this section unless it appears that the owner or other person in charge  
9 of the conveyance is a consenting party or privy to a violation of Title 45, chapter 9.

10 (b) A conveyance is not subject to forfeiture under this section because of any act or omission  
11 established by the owner of the conveyance to have been committed or omitted without the owner's knowledge  
12 or consent.

13 (c) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of  
14 the secured party if the secured party neither had knowledge of nor consented to any violation of Title 45, chapter  
15 9.

16 (d) A conveyance or container is not subject to forfeiture under this section if it was used or intended for  
17 use in transporting less than 60 grams of marijuana, but this exception does not apply to synthetic cannabinoids  
18 listed as dangerous drugs in 50-32-222.

19

20 **Section 2.** Section 45-9-101, MCA, is amended to read:

21 **"45-9-101. Criminal distribution of dangerous drugs.** (1) Except as provided in Title 50, chapter 46,  
22 a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges,  
23 gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in 50-32-101.

24 (2) A person convicted of criminal distribution of a narcotic drug, as defined in 50-32-101(18)(d), or an  
25 opiate, as defined in 50-32-101(19), shall be imprisoned in the state prison for a term of not less than 2 years or  
26 more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

27 (3) (a) A person convicted of criminal distribution of a dangerous drug included in Schedule I or Schedule  
28 II pursuant to 50-32-222 or 50-32-224, except marijuana or tetrahydrocannabinol, who has a prior conviction for  
29 criminal distribution of such a drug shall be imprisoned in the state prison for a term of not less than 10 years or  
30 more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

1           **(b)** Upon a third or subsequent conviction for criminal distribution of such a drug, the person shall be  
2 imprisoned in the state prison for a term of not less than 20 years or more than life and may be fined not more  
3 than \$50,000, except as provided in 46-18-222.

4           **(c)** The exception for marijuana or tetrahydrocannabinol in subsection (3)(a) does not apply to synthetic  
5 cannabinoids listed as dangerous drugs in 50-32-222.

6           (4) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in  
7 subsection (2), (3), or (5) shall be imprisoned in the state prison for a term of not less than 1 year or more than  
8 life or be fined an amount of not more than \$50,000, or both.

9           (5) A person who was an adult at the time of distribution and who is convicted of criminal distribution of  
10 dangerous drugs to a minor shall be sentenced as follows:

11           (a) If convicted pursuant to subsection (2), the person shall be imprisoned in the state prison for not less  
12 than 4 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

13           (b) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to  
14 50-32-222 or 50-32-224 and if previously convicted of such a distribution, the person shall be imprisoned in the  
15 state prison for not less than 20 years or more than life and may be fined not more than \$50,000, except as  
16 provided in 46-18-222.

17           (c) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to  
18 50-32-222 or 50-32-224 and if previously convicted of two or more such distributions, the person shall be  
19 imprisoned in the state prison for not less than 40 years or more than life and may be fined not more than  
20 \$50,000, except as provided in 46-18-222.

21           (d) If convicted pursuant to subsection (4), the person shall be imprisoned in the state prison for not less  
22 than 2 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

23           (6) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a  
24 professional practice are exempt from this section."

25

26           **Section 3.** Section 45-9-102, MCA, is amended to read:

27           **"45-9-102. Criminal possession of dangerous drugs.** (1) Except as provided in Title 50, chapter 46,  
28 a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous  
29 drug, as defined in 50-32-101.

30           (2) A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate

1 weight of which does not exceed 60 grams of marijuana or 1 gram of hashish is, for the first offense, guilty of a  
2 misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in  
3 the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended  
4 or deferred sentence. A person convicted of a second or subsequent offense under this subsection is punishable  
5 by a fine not to exceed \$1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state  
6 prison for a term not to exceed 3 years or by both. This subsection does not apply to the possession of synthetic  
7 cannabinoids listed as dangerous drugs in 50-32-222.

8 (3) A person convicted of criminal possession of an anabolic steroid as listed in 50-32-226 is, for the first  
9 offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by  
10 imprisonment in the county jail for not more than 6 months, or both.

11 (4) A person convicted of criminal possession of an opiate, as defined in 50-32-101(19), shall be  
12 imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more  
13 than \$50,000, except as provided in 46-18-222.

14 (5) (a) A person convicted of a second or subsequent offense of criminal possession of  
15 methamphetamine shall be punished by:

16 (i) imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or

17 (ii) commitment to the department of corrections for placement in an appropriate correctional facility or  
18 program for a term of not less than 3 years or more than 5 years. If the person successfully completes a  
19 residential methamphetamine treatment program operated or approved by the department of corrections during  
20 the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not  
21 to exceed \$50,000.

22 (b) During the first 3 years of a term under subsection (5)(a)(ii), the department of corrections may place  
23 the person in a residential methamphetamine treatment program operated or approved by the department of  
24 corrections or in a correctional facility or program. The residential methamphetamine treatment program must  
25 consist of time spent in a residential methamphetamine treatment facility and time spent in a community-based  
26 prerelease center.

27 (c) The court shall, as conditions of probation pursuant to subsection (5)(a), order:

28 (i) the person to abide by the standard conditions of probation established by the department of  
29 corrections;

30 (ii) payment of the costs of imprisonment, probation, and any methamphetamine treatment by the person

1 if the person is financially able to pay those costs;

2 (iii) that the person may not enter an establishment where alcoholic beverages are sold for consumption  
3 on the premises or where gambling takes place;

4 (iv) that the person may not consume alcoholic beverages;

5 (v) the person to enter and remain in an aftercare program as directed by the person's probation officer;

6 and

7 (vi) the person to submit to random or routine drug and alcohol testing.

8 (6) A person convicted of criminal possession of dangerous drugs not otherwise provided for in  
9 subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined  
10 an amount not to exceed \$50,000, or both.

11 (7) A person convicted of a first violation under this section is presumed to be entitled to a deferred  
12 imposition of sentence of imprisonment.

13 (8) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting  
14 in the course of a professional practice are exempt from this section."

15

16 **Section 4.** Section 45-9-110, MCA, is amended to read:

17 **"45-9-110. Criminal production or manufacture of dangerous drugs.** (1) Except as provided in Title  
18 50, chapter 46, a person commits the offense of criminal production or manufacture of dangerous drugs if the  
19 person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a  
20 dangerous drug, as defined in 50-32-101.

21 (2) A person convicted of criminal production or manufacture of a narcotic drug, as defined in  
22 50-32-101(18)(d), or an opiate, as defined in 50-32-101(19), shall be imprisoned in the state prison for a term of  
23 not less than 5 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

24 (3) A person convicted of criminal production or manufacture of a dangerous drug included in Schedule  
25 I of 50-32-222 or Schedule II of 50-32-224, except marijuana or tetrahydrocannabinol, who has a prior conviction  
26 that has become final for criminal production or manufacture of a Schedule I or Schedule II drug shall be  
27 imprisoned in the state prison for a term of not less than 20 years or more than life and may be fined not more  
28 than \$50,000, except as provided in 46-18-222. Upon a third or subsequent conviction that has become final for  
29 criminal production or manufacture of a Schedule I or Schedule II drug, the person shall be imprisoned in the  
30 state prison for a term of not less than 40 years or more than life and may be fined not more than \$50,000, except

1 as provided in 46-18-222. The penalties provided for in this subsection also apply to the criminal production or  
 2 manufacture of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

3 (4) A person convicted of criminal production or manufacture of marijuana, tetrahydrocannabinol, or a  
 4 dangerous drug not referred to in subsections (2) and (3) shall be imprisoned in the state prison for a term not  
 5 to exceed 10 years and may be fined not more than \$50,000, except that if the dangerous drug is marijuana and  
 6 the total weight is more than a pound or the number of plants is more than 30, the person shall be imprisoned  
 7 in the state prison for not less than 2 years or more than life and may be fined not more than \$50,000. "Weight"  
 8 means the weight of the dry plant and includes the leaves and stem structure but does not include the root  
 9 structure. A person convicted under this subsection who has a prior conviction that has become final for criminal  
 10 production or manufacture of a drug under this subsection shall be imprisoned in the state prison for a term not  
 11 to exceed twice that authorized for a first offense under this subsection and may be fined not more than \$100,000.

12 (5) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a  
 13 professional practice are exempt from this section."  
 14

15 **Section 5.** Section 50-31-306, MCA, is amended to read:

16 **"50-31-306. When drug or device misbranded.** (1) A drug or device is considered to be misbranded:

17 (a) if its labeling is false or misleading in any particular;

18 (b) if in package form unless it bears a label containing:

19 (i) the name and place of business of the manufacturer, packer, or distributor, except that a prescription  
 20 drug must contain the name and place of business of the manufacturer as well as the packer or distributor; and

21 (ii) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count;  
 22 provided that reasonable variation may be permitted and exemptions as to small packages may be allowed in  
 23 accordance with regulations prescribed by the department or issued under the federal act;

24 (c) if any word, statement, or other information required by or under authority of this chapter to appear  
 25 on the label or labeling is not prominently placed on the label or labeling with conspicuousness (as compared with  
 26 other words, statements, designs, or devices in the labeling) and in terms that render it likely to be read and  
 27 understood by the ordinary individual under customary conditions of purchase and use;

28 (d) if it is for use by humans and contains any quantity of the narcotic or hypnotic substance  
 29 alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine,  
 30 heroin, marijuana, morphine, opium, paraldehyde, peyote, Salvia divinorum, sulfonmethane, synthetic

1 cannabinoids, or any chemical derivative of the substance that, after investigation, has been found to be and  
2 designated as habit-forming by regulations issued by the department under this chapter or by regulations issued  
3 pursuant to section 502(d) of the federal act (21 U.S.C. 352(d)), unless its label bears the name and quantity or  
4 proportion of the substance or derivative in juxtaposition to the statement "Warning--May be habit-forming";

5 (e) if it is a drug, unless its label bears to the exclusion of any other nonproprietary name (except the  
6 applicable systematic chemical name or the chemical formula):

7 (i) the established name (as defined in 50-31-301) of the drug, if there is one; and

8 (ii) in case the drug is fabricated from two or more ingredients, the established name and quantity of each  
9 active ingredient, including the kind and quantity or proportion of any alcohol and also including, whether active  
10 or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid,  
11 acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides,  
12 mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances  
13 contained in the drug. However, the requirement for stating the quantity of the active ingredients, other than the  
14 quantity of those specifically named in this subsection (1)(e)(ii), applies only to prescription drugs, and to the  
15 extent that compliance with the requirements of this subsection (1)(e)(ii) is impracticable, exemptions may be  
16 allowed under regulations promulgated by the department or under the federal act.

17 (f) unless its labeling bears:

18 (i) adequate directions for use; however, if any requirement of this subsection (1)(f)(i), as applied to any  
19 drug or device, is not necessary for the protection of the public health, the department shall promulgate  
20 regulations exempting the drug or device from the requirements, and articles exempted under regulations issued  
21 under section 502(f) of the federal act (21 U.S.C. 352(f)) may also be exempt; and

22 (ii) adequate warnings against use in those pathological conditions or by children when its use may be  
23 dangerous to health or adequate warnings against unsafe dosage or methods or duration of administration or  
24 application, in a manner and form that are necessary for the protection of users;

25 (g) if it purports to be a drug, the name of which is recognized in an official compendium unless it is  
26 packaged and labeled as prescribed in the compendium. The method of packing may be modified with the  
27 consent of the department or if consent is obtained under the federal act. In the event of inconsistency between  
28 the requirements of this subsection (1)(g) and those of subsection (1)(e) as to the name by which the drug or its  
29 ingredients must be designated, the requirements of subsection (1)(e) prevail.

30 (h) if it has been found by the department or under the federal act to be a drug liable to deterioration,

1 unless it is packaged in a form and manner and its label bears a statement of precautions that the regulations  
2 issued by the department or under the federal act require as necessary for the protection of public health. A  
3 regulation may not be established for any drug recognized in an official compendium until the department has  
4 informed the appropriate body charged with the revision of the compendium of the need for the packaging or  
5 labeling requirements and the body has failed within a reasonable time to prescribe the requirements.

6 (i) if it is a drug and its container is made, formed, or filled in a way that is misleading;

7 (j) if it is an imitation of another drug;

8 (k) if it is offered for sale under the name of another drug;

9 (l) if it is dangerous to health when used in the dosage or with the frequency or duration prescribed,  
10 recommended, or suggested in the labeling;

11 (m) if it is, purports to be, or is represented as a drug composed wholly or partly of insulin, unless:

12 (i) it is from a batch with respect to which a certificate or release has been issued pursuant to section  
13 506 of the federal act (21 U.S.C. 356); and

14 (ii) the certificate or release is in effect with respect to the drug;

15 (n) if it is, purports to be, or is represented as a drug composed wholly or partly of any kind of penicillin,  
16 streptomycin, chlortetracycline, chloramphenicol, bacitracin, any other antibiotic drug, or any derivative thereof  
17 unless:

18 (i) it is from a batch with respect to which a certificate or release has been issued pursuant to section  
19 507 of the federal act (21 U.S.C. 357); and

20 (ii) the certificate or release is in effect with respect to the drug. This subsection (1)(n) does not apply to  
21 any drug or class of drugs exempted by regulations promulgated under section 507(c) or (d) of the federal act  
22 (21 U.S.C. 357(c) or (d)).

23 (o) if it is a color additive, the intended use of which in or on drugs is for the purpose of coloring only,  
24 unless its packaging and labeling are in conformity with the packaging and labeling requirements applicable to  
25 the color additive prescribed under the provisions of 50-31-108 or of the federal act;

26 (p) in the case of any prescription drug distributed or offered for sale in this state, unless the  
27 manufacturer, packer, or distributor of the drug includes in all advertisements and other descriptive printed matter  
28 issued or caused to be issued by the manufacturer, packer, or distributor with respect to that drug a true  
29 statement of:

30 (i) the established name, as defined in 50-31-301;



1 (ii) the formula showing quantitatively each ingredient of the drug to the extent required for labels under  
2 section 502(e) of the federal act (21 U.S.C. 352(e)); and

3 (iii) other information in brief summary relating to side effects, contraindications, and effectiveness that  
4 is required in regulations issued under the federal act; or

5 (q) if a trademark, trade name, or other identifying mark, imprint, or device or another or any likeness  
6 of the foregoing has been placed on the drug or upon its container with intent to defraud.

7 (2) A drug that is subject to 50-31-307 is considered to be misbranded if, at any time prior to dispensing,  
8 its label fails to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription", or "Caution:  
9 State Law Prohibits Dispensing Without Prescription". A drug to which 50-31-307 does not apply is considered  
10 to be misbranded if, at any time prior to dispensing, its label bears the caution statement quoted in the preceding  
11 sentence."  
12

13 **Section 6.** Section 50-31-310, MCA, is amended to read:

14 **"50-31-310. Narcotic and marijuana laws not affected.** Nothing in 50-31-306(2), 50-31-307,  
15 50-31-308, or 50-31-309 shall be construed to relieve any person from any requirement prescribed by or under  
16 authority of law with respect to drugs now included or which may hereafter be included within the classifications  
17 of narcotic drugs ~~or~~, marijuana, or synthetic cannabinoids, as defined in the applicable federal and state laws  
18 relating to narcotic drugs ~~and~~, marijuana, and synthetic cannabinoids."  
19

20 **Section 7.** Section 50-32-222, MCA, is amended to read:

21 **"50-32-222. Specific dangerous drugs included in Schedule I.** Schedule I consists of the drugs and  
22 other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

23 (1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates,  
24 including isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those  
25 isomers, esters, ethers, and salts is possible within the specific chemical designation:

26 (a) acetyl-alpha-methylfentanyl;

27 (b) acetylmethadol;

28 (c) allylprodine;

29 (d) alphacetylmethadol, except levo-alpha-cetylmethadol, also known as levo-alpha-acetylmethadol,  
30 levomethadyl acetate, or LAAM;

- 1 (e) alphameprodine;
- 2 (f) alphamethadol;
- 3 (g) alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;
- 4 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- 5 (h) alpha-methylthiofentanyl, also known as N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-
- 6 phenylpropanamide and;
- 7 (i) benzethidine;
- 8 (j) betacetylmethadol;
- 9 (k) beta-hydroxyfentanyl, also known as
- 10 N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide;
- 11 (l) beta-hydroxy-3-methylfentanyl, also known as
- 12 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- 13 (m) betameprodine;
- 14 (n) betamethadol;
- 15 (o) betaprodine;
- 16 (p) clonitazene;
- 17 (q) dextromoramide;
- 18 (r) diampromide;
- 19 (s) diethylthiambutene;
- 20 (t) difenoxin;
- 21 (u) dimenoxadol;
- 22 (v) dimepheptanol;
- 23 (w) dimethylthiambutene;
- 24 (x) dioxaphetyl butyrate;
- 25 (y) dipipanone;
- 26 (z) ethylmethylthiambutene;
- 27 (aa) etonitazene;
- 28 (bb) etoxeridine;
- 29 (cc) furethidine;
- 30 (dd) hydroxypethidine;

- 1 (ee) ketobemidone;
- 2 (ff) levomoramide;
- 3 (gg) levophenacymorphan;
- 4 (hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
- 5 (ii) 3-methylthiofentanyl, also known as N-[3-methyl-
- 6 1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide;
- 7 (jj) morpheridine;
- 8 (kk) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 9 (ll) noracymethadol;
- 10 (mm) norlevorphanol;
- 11 (nn) normethadone;
- 12 (oo) norpipanone;
- 13 (pp) para-fluorofentanyl, also known as N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;
- 14 (qq) PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 15 (rr) phenadoxone;
- 16 (ss) phenampromide;
- 17 (tt) phenomorphan;
- 18 (uu) phenoperidine;
- 19 (vv) piritramide;
- 20 (ww) proheptazine;
- 21 (xx) properidine;
- 22 (yy) propiram;
- 23 (zz) racemoramide;
- 24 (aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
- 25 (bbb) tilidine; and
- 26 (ccc) trimeperidine.

27 (2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, position, and geometric  
28 isomers.

29 (3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following  
30 are opium derivatives, including salts, isomers, and salts of isomers whenever the existence of those salts,

- 1 isomers, and salts of isomers is possible within the specific chemical designation:
- 2 (a) acetorphine;
  - 3 (b) acetyldihydrocodeine;
  - 4 (c) benzylmorphine;
  - 5 (d) codeine methylbromide;
  - 6 (e) codeine-n-oxide;
  - 7 (f) cyprenorphine;
  - 8 (g) desomorphine;
  - 9 (h) dihydromorphine;
  - 10 (i) drotebanol;
  - 11 (j) etorphine, except hydrochloride salt;
  - 12 (k) heroin;
  - 13 (l) hydromorphanol;
  - 14 (m) methyldesorphine;
  - 15 (n) methyldihydromorphine;
  - 16 (o) morphine methylbromide;
  - 17 (p) morphine methylsulfonate;
  - 18 (q) morphine-n-oxide;
  - 19 (r) myorphine;
  - 20 (s) nicocodeine;
  - 21 (t) nicomorphine;
  - 22 (u) normorphine;
  - 23 (v) pholcodine; and
  - 24 (w) thebacon.
- 25 (4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material,  
26 compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic substance,  
27 including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
28 is possible within the specific chemical designation:
- 29 (a) alpha-ethyltryptamine. Trade or other names include etryptamine, monase,  
30 alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET.

- 1 (b) 4-bromo-2,5-dimethoxy-amphetamine. Trade or other names include 4-bromo-2,  
2 5-dimethoxy-alpha-methylphenethylamine and 4-bromo-2,5-DMA.
- 3 (c) 4-bromo-2,5-dimethoxyphenethylamine. Trade or other names include 2-(4-bromo-2,  
4 5-dimethoxyphenyl)-1-aminoethane, alpha-desmethylDOB, and 2C-B,Nexus.
- 5 (d) 2,5-dimethoxyamphetamine. Trade or other names include  
6 2,5-dimethoxy-alpha-methylphenethylamine and 2,5-DMA.
- 7 (e) 3,4-methylenedioxy amphetamine;
- 8 (f) 2,5-dimethoxy-4-ethylamphetamine. A trade or other name is DOET.
- 9 (g) 4-methoxyamphetamine. A trade or other name is 4-methoxy-alpha-methylphenethylamine.
- 10 (h) 5-methoxy-3,4-methylenedioxy amphetamine;
- 11 (i) 4-methyl-2,5-dimethoxy-amphetamine. Trade or other names include 4-methyl-2,  
12 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP.
- 13 (j) 3,4-methylenedioxy amphetamine;
- 14 (k) 3,4-methylenedioxymethamphetamine (MDMA);
- 15 (l) 3,4-methylenedioxy-N-ethylamphetamine, also known as  
16 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- 17 (m) N-hydroxy-3,4-methylenedioxyamphetamine, also known as  
18 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA;
- 19 (n) 3,4,5-trimethoxy amphetamine;
- 20 (o) bufotenine. Trade and other names include 3-(beta-dimethylaminoethyl)-5-hydroxyindole,  
21 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine.
- 22 (p) diethyltryptamine. Trade and other names include N,N-diethyltryptamine and DET.
- 23 (q) dimethyltryptamine. A trade or other name is DMT.
- 24 (r) ibogaine. Trade or other names include  
25 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and  
26 tabernanthe iboga.
- 27 (s) lysergic acid diethylamide;
- 28 (t) marijuana;
- 29 (u) mescaline;
- 30 (v) parahexyl. Trade or other names include

1 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl.

2 (w) peyote, meaning all parts of the plant presently classified botanically as *lophophora williamsii* lemaire,  
3 whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound,  
4 manufacture, salts, derivatives, mixture, or preparation of the plant, its seed, or extracts;

5 (x) n-ethyl-3-piperidyl benzilate;

6 (y) n-methyl-3-piperidyl benzilate;

7 (z) psilocybin;

8 (aa) psilocyn;

9 (bb) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or  
10 in the resinous extractives of cannabis, sp, or synthetic substances, derivatives, and their isomers with similar  
11 chemical structure and pharmacological activity, such as those listed in subsections (4)(bb)(i) through (4)(bb)(iii).  
12 Because nomenclature of these substances is not internationally standardized, compounds of these structures,  
13 regardless of numerical designation of atomic positions covered, are included in the category as follows:

14 (i) delta 1 (delta 9) cis or trans tetrahydrocannabinol and its optical isomers;

15 (ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and

16 (iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;

17 (cc) ethylamine analog of phencyclidine. Trade or others names include  
18 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine,  
19 cyclohexamine, and PCE.

20 (dd) pyrrolidine analog of phencyclidine. Trade or other names include 1-(1-phenylcyclohexyl)-pyrrolidine,  
21 PCPy, and PHP.

22 (ee) thiophene analog of phencyclidine. Trade or other names include  
23 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, and TCP.

24 (ff) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. A trade or other name is TCPy.

25 (gg) synthetic cannabinoids:

26 (i) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);

27 ( i i ) ( 6 a R , 1 0 a R ) - 9 - ( h y d r o x y m e t h y l ) - 6 ,  
28 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or  
29 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

30 (iii) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47,497), and the

- 1 dimethylhexyl, dimethyloctyl, and dimethylnonyl homologues of CP-47,497;  
2 (iv) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073);  
3 (v) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);  
4 (vi) 1-pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);  
5 (vii) 1-hexyl-3-(1-naphthoyl)indole (also known as JWH-019);  
6 (viii) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);  
7 (ix) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-  
8 (1-pentylindol-3-yl)methanone;  
9 (x) the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro  
10 derivatives of cannabinal and 3-alkyl homologues of cannabinal or of its tetrahydro derivatives:  
11 (A) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo  
12 [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (also known as WIN-55,212-2);  
13 (B) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (also known as HU-243); or  
14 (C) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-  
15 5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;  
16 (xi) any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane  
17 by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or  
18 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not  
19 substituted in the naphthyl ring to any extent;  
20 (xii) any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom  
21 of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not  
22 further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any  
23 extent;  
24 (xiii) any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position  
25 of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not  
26 further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any  
27 extent;  
28 (xiv) any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom  
29 of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not  
30 further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;

1 or

2 (xv) any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the  
 3 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl,  
 4 whether or not substituted in the cyclohexyl ring to any extent;

5 ( h h ) S a l v i a d i v i n o r u m : S a l v i n o r i n A  
 6 (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(3-furanyl)dodehydro-6a,10b-dimethyl-4,  
 7 10-dioxo-2H-naphtho[2,1-c] pyran-7-carboxylic acid methyl ester.

8 (5) (A) For the purposes of subsection (4), the term "isomer" includes the optical, position, and geometric  
 9 isomers.

10 (B) SUBSECTION (4)(GG) DOES NOT APPLY TO SYNTHETIC CANNABINOIDS APPROVED BY THE U.S. FOOD AND  
 11 DRUG ADMINISTRATION AND OBTAINED BY A LAWFUL PRESCRIPTION THROUGH A LICENSED PHARMACY. THE DEPARTMENT  
 12 OF PUBLIC HEALTH AND HUMAN SERVICES SHALL ADOPT A RULE LISTING THE APPROVED CANNABINOIDS AND SHALL UPDATE  
 13 THE RULE AS NECESSARY TO KEEP THE LIST CURRENT.

14 (6) Depressants. Unless specifically excepted or listed in another schedule, any material, compound,  
 15 mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant  
 16 effect on the central nervous system, including salts, isomers, and salts of isomers whenever the existence of  
 17 those salts, isomers, and salts of isomers is possible within the specific chemical designation:

18 (a) mecloqualone; and

19 (b) methaqualone.

20 (7) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,  
 21 mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant  
 22 effect on the central nervous system, including its salts, isomers, and salts of isomers:

23 (a) aminorex. Trade or other names include aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and  
 24 4,5-dihydro-5-phenyl-2-oxazolamine.

25 (b) cathinone. Trade or other names include 2-amino-1-phenyl-1-propanone,  
 26 alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone.

27 (c) fenethylamine;

28 (d) methcathinone. Trade or other names include 2-(methylamino)-propionophenone,  
 29 alpha-(methylamino)propionophenone, 2-(methylamino)-1-phenylpropan-1-one,  
 30 alpha-N-methylaminopropionophenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone,



1 AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers.

2 (e) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4,  
3 5-dihydro-4-methyl-5-phenyl-2-oxazolamine;

4 (f) N-ethylamphetamine;

5 (g) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethamine and  
6 N,N-alpha-trimethylphenethylamine.

7 (8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that  
8 contains any quantity of the following substances is included in this category:

9 (a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts  
10 of isomers); and

11 (b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts,  
12 and salts of isomers).

13 (9) If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any  
14 material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection (4) must  
15 automatically be rescheduled from Schedule I to Schedule II."

16

17 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

18

- END -