

1 Senate BILL NO. 68
 2 INTRODUCED BY Kennedy
 3 BY REQUEST OF THE BOARD OF PHARMACY

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE DANGEROUS
 6 DRUG SCHEDULES TO CONFORM TO THE CONTROLLED SUBSTANCES
 7 CONTAINED IN FEDERAL REGULATIONS; AND AMENDING SECTIONS
 8 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 50-32-222, MCA, is amended to read:

13 "50-32-222. Specific dangerous drugs included in
 14 Schedule I. Schedule I consists of the drugs and other
 15 substances, by whatever official, common, usual, chemical,
 16 or brand name designated, listed in this section.

17 (1) Opiates. Unless specifically excepted or listed in
 18 another schedule, any of the following opiates, including
 19 its isomers, esters, ethers, salts, and salts of isomers,
 20 esters, and ethers whenever the existence of such isomers,
 21 esters, ethers, and salts is possible within the specific
 22 chemical designation:

- 23 (a) acetyl-alpha-methylfentanyl;
- 24 (b) acetylmethadol;
- 25 (b)(c) allylprodine;

- 1 (c)(d) alphacetylmethadol;
- 2 (d)(e) alphameprodine;
- 3 (e)(f) alphamethadol;
- 4 (f)(g) alpha-methylfentanyl
 5 (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
 6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
 7 piperidine);
- 8 (g)(h) benzethidine;
- 9 (h)(i) betacetylmethadol;
- 10 (j) beta-hydroxyfentanyl;
- 11 (k) beta-hydroxy-3-methylfentanyl;
- 12 (i)(l) betameprodine;
- 13 (j)(m) betamethadol;
- 14 (k)(n) betaprodine;
- 15 (i)(o) clonitazene;
- 16 (m)(p) dextromoramide;
- 17 (n)(q) diampromide;
- 18 (e)(r) diethylthiambutene;
- 19 (p)(s) difenoxin;
- 20 (q)(t) dimenoxadol;
- 21 (r)(u) dimepheptanol;
- 22 (s)(v) dimethylthiambutene;
- 23 (t)(w) dioxaphetyl butyrate;
- 24 (u)(x) dipipanone;
- 25 (v)(y) ethylmethylthiambutene;

1 {w}{z} etonitazene;
 2 {x}{aa} etoxeridine;
 3 {y}{bb} furethidine;
 4 {z}{cc} hydroxypethidine;
 5 {aa}{dd} ketobemidone;
 6 {bb}{ee} levomoramide;
 7 {cc}{ff} levophenacymorphan;
 8 {gg} 3-methylfentanyl;
 9 {hh} 3-methylthiofentanyl;
 10 {dd}{ii} morpheridine;
 11 {jj} MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 12 {ee}{kk} noracymethadol;
 13 {ff}{ll} norlevorphanol;
 14 {gg}{mm} normethadone;
 15 {hh}{nn} norpipanone;
 16 {oo} para-fluorofentanyl;
 17 {pp} PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 18 {ii}{qq} phenadoxone;
 19 {jj}{rr} phenampromide;
 20 {kk}{ss} phenomorphan;
 21 {ll}{tt} phenoperidine;
 22 {mm}{uu} piritramide;
 23 {nn}{vv} proheptazine;
 24 {oo}{ww} properidine;
 25 {pp}{xx} propiram;

1 {qq}{yy} racemoramide;
 2 {rr}{zz} sufentanil;
 3 {zz} thiofentanyl;
 4 {ss}{aaa} tilidine; and
 5 {tt}{bbb} trimeperidine.

6 (2) Opium derivatives. Unless specifically excepted or
 7 listed in another schedule, any of the following opium
 8 derivatives, its salts, isomers, and salts of isomers
 9 whenever the existence of such salts, isomers, and salts of
 10 isomers is possible within the specific chemical
 11 designation:

12 (a) acetorphine;
 13 (b) acetyldihydrocodeine;
 14 (c) benzylmorphine;
 15 (d) codeine methylbromide;
 16 (e) codeine-n-oxide;
 17 (f) cyprenorphine;
 18 (g) desomorphine;
 19 (h) dihydromorphine;
 20 (i) drotebanol;
 21 (j) etorphine;
 22 (k) heroin;
 23 (l) hydromorphenol;
 24 (m) methyl-desorphine;
 25 (n) methyl-dihydro-morphine;

1 (o) morphine methylbromide;
 2 (p) morphine methylsulfonate;
 3 (q) morphine-n-oxide;
 4 (r) myrophine;
 5 (s) nicocodeine;
 6 (t) nicomorphine;
 7 (u) normorphine;
 8 (v) pholcodine; and
 9 (w) thebacon.

10 (3) Hallucinogenic substances. Unless specifically
 11 excepted or listed in another schedule, any material,
 12 compound, mixture, or preparation that contains any quantity
 13 of the following hallucinogenic substances or any of its
 14 salts, isomers, and salts of isomers whenever the existence
 15 of such salts, isomers, and salts of isomers is possible
 16 within the specific chemical designation:

17 (a) 3,4-methylenedioxy amphetamine;
 18 (b) 3,4-methylenedioxymethamphetamine (MDMA);
 19 (b)(c) 5-methoxy-3,4-methylenedioxy amphetamine;
 20 (e)(d) 3,4,5-trimethoxy amphetamine;
 21 (d)(e) bufotenine;
 22 (f) doet (2,5-dimethoxy-4-ethylamphetamine);
 23 (e)(g) diethyltryptamine;
 24 (f)(h) dimethyltryptamine;
 25 (g)(i) 4-methyl-2,5-dimethoxy-amphetamine;

1 (h)(j) ibogaine;
 2 (i)(k) lysergic acid diethylamide;
 3 (j)(l) marijuana;
 4 (k)(m) mescaline;
 5 (n) parahexyl;
 6 (l)(o) peyote;
 7 (p) PCE (N-ethyl-1-phenylcyclohexylamine);
 8 (q) PHP 1-(1-phenylcyclohexyl)pyrrolidine (pcp analog);
 9 (m)(r) n-ethyl-3-piperidyl benzilate;
 10 (n)(s) n-methyl-3-piperidyl benzilate;
 11 (o)(t) psilocybin;
 12 (p)(u) psilocyn;
 13 (q)(v) tetrahydrocannabinols;
 14 (r)(w) 2,5-dimethoxyamphetamine;
 15 (s)(x) 4-bromo-2,5-dimethoxy-amphetamine;
 16 (t)(y) 4-methoxyamphetamine;
 17 (u)(z) ethylamine analog of phencyclidine;
 18 (v)(aa) pyrrolidine analog of phencyclidine; and
 19 (w)(bb) thiophene analog of phencyclidine.

20 (4) Depressants. Unless specifically excepted or listed
 21 in another schedule, any material, compound, mixture, or
 22 preparation that contains any quantity of the following
 23 substance having a depressant effect on the central nervous
 24 system, including its salts, isomers, and salts of isomers
 25 whenever the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical
2 designation:

3 (a) mecloqualone; and

4 (b) methaqualone.

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

10 (a) fenethylamine; and

11 (b) n-ethylamphetamine.

12 (6) For purposes of subsection (3) only, the term
13 "isomer" includes the optical, position, and geometric
14 isomers.

15 (7) If prescription or administration is authorized by
16 the Federal Food, Drug and Cosmetic Act, then any material,
17 compound, mixture, or preparation containing
18 tetrahydrocannabinols listed in subsection (3) shall
19 automatically be rescheduled from Schedule I to Schedule
20 II."

21 **Section 2.** Section 50-32-224, MCA, is amended to read:

22 "50-32-224. Specific dangerous drugs included in
23 Schedule II. Schedule II consists of the drugs and other
24 substances, by whatever official, common, usual, chemical,
25 or brand name designated, listed in this section.

1 (1) Substances, vegetable origin or chemical synthesis.
2 Unless specifically excepted or listed in another schedule,
3 any of the following substances, whether produced directly
4 or indirectly by extraction from substances of vegetable
5 origin, independently by means of chemical synthesis, or by
6 a combination of extraction and chemical synthesis:

7 (a) opium and opiate and any salt, compound,
8 derivative, or preparation of opium or opiate, excluding
9 apomorphine, dextrorphan, nalbuphine, naloxone, and
10 naltrexone and their respective salts, but including the
11 following:

12 (i) raw opium;

13 (ii) opium extracts;

14 (iii) opium fluid extracts;

15 (iv) powdered opium;

16 (v) granulated opium;

17 (vi) tincture of opium;

18 (vii) codeine;

19 (viii) ethylmorphine;

20 (ix) etorphine hydrochloride;

21 (x) hydrocodone;

22 (xi) hydromorphone;

23 (xii) metopon;

24 (xiii) morphine;

25 (xiv) oxycodone;

1 (xv) oxymorphone; and
 2 (xvi) thebaine;
 3 (b) any salt, compound, derivative, or preparation
 4 thereof that is chemically equivalent or identical with any
 5 of the substances referred to in subsection (1)(a) of this
 6 section, except that these substances do not include the
 7 isoquinoline alkaloids of opium;
 8 (c) opium poppy and poppy straw;
 9 (d) coca leaves and any salt, compound, derivative, or
 10 preparation of coca leaves, and any salt, compound,
 11 derivative, or preparation thereof that is chemically
 12 equivalent or identical with any of these substances, except
 13 that these substances do not include decocainized coca
 14 leaves or extraction of coca leaves, which extractions do
 15 not contain cocaine or ecgonine; and
 16 (e) concentrate of poppy straw, the crude extract of
 17 poppy straw in either liquid, solid, or powder form that
 18 contains the phenanthrene alkaloids of the opium poppy.
 19 (2) Opiates. Unless specifically excepted or listed in
 20 another schedule, any of the following opiates, including
 21 its isomers, esters, ethers, salts, and salts of isomers,
 22 esters, and ethers whenever the existence of such isomers,
 23 esters, ethers, and salts is possible within the specific
 24 chemical designation, dextrorphan and levopropoxyphene
 25 excepted:

1 (a) alfentanil;
 2 (b) alphaprodine;
 3 ~~(b)~~(c) anileridine;
 4 ~~(c)~~(d) bezitramide;
 5 ~~(d)~~(e) dihydrocodeine;
 6 ~~(e)~~(f) diphenoxylate;
 7 ~~(f)~~(g) fentanyl;
 8 ~~(g)~~(h) isomethadone;
 9 ~~(h)~~(i) levomethorphan;
 10 ~~(i)~~(j) levorphanol;
 11 ~~(j)~~(k) metazocine;
 12 ~~(k)~~(l) methadone;
 13 ~~(l)~~(m) methadone-intermediate,
 14 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 15 ~~(m)~~(n) moramide-intermediate, 2-methyl-3-morpholino-1,
 16 1-diphenylpropane-carboxylic acid;
 17 ~~(n)~~(o) pethidine (norpethidine);
 18 ~~(o)~~(p) pethidine-intermediate-A,
 19 4-cyano-1-methyl-4-phenylpiperidine;
 20 ~~(p)~~(q) pethidine-intermediate-B,
 21 ethyl-4-phenylpiperidine-4-carboxylate;
 22 ~~(q)~~(r) pethidine-intermediate-C,
 23 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 24 ~~(r)~~(s) phenazocine;
 25 ~~(s)~~(t) piminodine;

1 ~~(t)~~(u) racemethorphan;
 2 ~~(u)~~(v) racemorphan; and
 3 ~~(w)~~ (w) sufentanil; and
 4 ~~(v)~~(x) bulk dextropropoxyphene (nondosage forms).
 5 (3) Stimulants. Unless specifically excepted or listed
 6 in another schedule, any material, compound, mixture, or
 7 preparation that contains any quantity of the following
 8 substances having a stimulant effect on the central nervous
 9 system:
 10 (a) amphetamine, its salts, optical isomers, and salts
 11 of its optical isomers;
 12 (b) phenmetrazine and its salts;
 13 (c) methamphetamine, its salts, isomers, and salts of
 14 its isomers; and
 15 (d) methylphenidate.
 16 (4) Depressants. Unless specifically excepted or listed
 17 in another schedule, any material, compound, mixture, or
 18 preparation that contains any quantity of the following
 19 substances having a depressant effect on the central nervous
 20 system, including its salts, isomers, and salts of isomers
 21 whenever the existence of such salts, isomers, and salts of
 22 isomers is possible within the specific chemical
 23 designation:
 24 (a) amobarbital;
 25 (b) ~~methaqualone~~;

1 ~~(e)~~ pentobarbital;
 2 ~~(d)~~(c) phencyclidine; and
 3 ~~(e)~~(d) secobarbital.
 4 (5) Immediate precursors. Unless specifically excepted
 5 or listed in another schedule, any material, compound,
 6 mixture, or preparation that contains any quantity of the
 7 following substances:
 8 (a) immediate precursor to amphetamine and
 9 methamphetamine:
 10 (i) phenylacetone;
 11 (b) immediate precursors to phencyclidine (PCP):
 12 (i) 1-phenylcyclohexylamine; and
 13 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).
 14 (6) Hallucinogenic substances:
 15 (a) dronabinol (synthetic) in sesame oil and
 16 encapsulated in a soft gelatin capsule in a federal food and
 17 drug administration-approved drug product; and
 18 (b) nabilone."
 19 **Section 3.** Section 50-32-226, MCA, is amended to read:
 20 "50-32-226. Specific dangerous drugs included in
 21 Schedule III. Schedule III consists of the drugs and other
 22 substances, by whatever official, common, usual, chemical,
 23 or brand name designated, listed in this section.
 24 (1) Stimulants. Unless specifically excepted or listed
 25 in another schedule, any material, compound, mixture, or

1 preparation that contains any quantity of the following
 2 substances having a stimulant effect on the central nervous
 3 system, including its salts, isomers (whether optical,
 4 position, or geometric), and salts of such isomers whenever
 5 the existence of such salts, isomers, and salts of isomers
 6 is possible within the specific chemical designation:

- 7 (a) benzphetamine;
- 8 (b) chlorphentermine;
- 9 (c) clortermine; and
- 10 (d) phendimetrazine.

11 (2) Depressants. Unless specifically excepted or listed
 12 in another schedule, any material, compound, mixture, or
 13 preparation that contains any quantity of the following
 14 substances having a depressant effect on the central nervous
 15 system:

- 16 (a) any substance that contains any quantity of a
 17 derivative of barbituric acid or any salt thereof;
- 18 (b) chlorhexadol;
- 19 (c) glutethimide;
- 20 (d) lysergic acid;
- 21 (e) lysergic acid amide;
- 22 (f) methyprylon;
- 23 (g) sulfondiethylmethane;
- 24 (h) sulfonethylmethane;
- 25 (i) sulfonmethane;

1 (j) tiletamine and zolazepam or any of their salts;

2 (k) any compound, mixture, or preparation containing
 3 amobarbital, secobarbital, or pentobarbital or any salt of
 4 any of these drugs and one or more other active medicinal
 5 ingredients that are not listed in any schedule; and

6 (k)(1) any suppository dosage form containing
 7 amobarbital, secobarbital, or pentobarbital or any salt of
 8 any of these drugs approved by the federal food and drug
 9 administration for marketing only as a suppository.

10 (3) Nalorphine.

11 (4) Narcotic drugs. Unless specifically excepted or
 12 listed in another schedule, any material, compound, mixture,
 13 or preparation containing any of the following narcotic
 14 drugs or its salts calculated as the free anhydrous base or
 15 alkaloid in the following limited quantities:

16 (a) not more than 1.8 grams of codeine per 100
 17 milliliters or not more than 90 milligrams per dosage unit,
 18 with an equal or greater quantity of an isoquinoline
 19 alkaloid of opium;

20 (b) not more than 1.8 grams of codeine per 100
 21 milliliters or not more than 90 milligrams per dosage unit,
 22 with one or more active, nonnarcotic ingredients in
 23 recognized therapeutic amounts;

24 (c) not more than 300 milligrams of dihydrocodeinone
 25 per 100 milliliters or not more than 15 milligrams per

1 dosage unit, with a fourfold or greater quantity of an
2 isoquinoline alkaloid of opium;

3 (d) not more than 300 milligrams of dihydrocodeinone
4 per 100 milliliters or not more than 15 milligrams per
5 dosage unit, with one or more active, nonnarcotic
6 ingredients in recognized therapeutic amounts;

7 (e) not more than 1.8 grams of dihydrocodeine per 100
8 milliliters or not more than 90 milligrams per dosage unit,
9 with one or more active, nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 (f) not more than 300 milligrams of ethylmorphine per
12 100 milliliters or not more than 15 milligrams per dosage
13 unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 (g) not more than 500 milligrams of opium per 100
16 milliliters or per 100 grams or not more than 25 milligrams
17 per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts; or

19 (h) not more than 50 milligrams of morphine per 100
20 milliliters or per 100 grams, with one or more active,
21 nonnarcotic ingredients in recognized therapeutic amounts."

22 **Section 4.** Section 50-32-229, MCA, is amended to read:
23 "50-32-229. Specific dangerous drugs included in
24 Schedule IV. Schedule IV consists of the drugs and other
25 substances, by whatever official, common, usual, chemical,

1 or brand name designated, listed in this section.

2 (1) Narcotic drugs. Unless specifically excepted or
3 listed in another schedule, any material, compound, mixture,
4 or preparation containing any of the following narcotic
5 drugs or its salts calculated as the free anhydrous base or
6 alkaloid in the following limited quantities:

7 (a) not more than 1 milligram of difenoxin and not less
8 than 25 micrograms of atropine sulfate per dosage unit; and

9 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino
10 1,2-diphenyl-3-methyl-2-propionoxybutane).

11 (2) Depressants. Unless specifically excepted or listed
12 in another schedule, any material, compound, mixture, or
13 preparation that contains any quantity of the following
14 substances, including its salts, isomers, and salts of
15 isomers whenever the existence of such salts, isomers, and
16 salts of isomers is possible within the specific chemical
17 designation:

18 (a) alprazolam;

19 (b) barbital;

20 (c) bromazepam;

21 (d) camazepam;

22 ~~(e)~~ (e) chloral betaine;

23 ~~(f)~~ (f) chloral hydrate;

24 ~~(g)~~ (g) chlordiazepoxide;

25 (h) clobazam;

1 (fi) clonazepam;
 2 (gj) clorazepate;
 3 (k) clotiazepam;
 4 (l) cloxazolam;
 5 (m) delorazepam;
 6 (nh)(n) diazepam;
 7 (o) estazolam;
 8 (i)(p) ethchlorvynol;
 9 (j)(q) ethinamate;
 10 (r) ethyl loflazepate;
 11 (s) fludiazepam;
 12 (t) flunitrazepam;
 13 (k)(u) flurazepam;
 14 (i)(v) halazepam;
 15 (w) haloxazolam;
 16 (x) ketazolam;
 17 (y) loprazolam;
 18 (m)(z) lorazepam;
 19 (aa) lormetazepam;
 20 (n)(bb) mebutamate;
 21 (cc) medazepam;
 22 (dd) meprobamate;
 23 (o)(ee) methohexital;
 24 (p)--meprobamate;
 25 (g)(ff) methylphenobarbital (mephobarbital);

1 (gg) midazolam;
 2 (hh) nimetazepam;
 3 (ii) nitrazepam;
 4 (jj) nordiazepam;
 5 (r)(kk) oxazepam;
 6 (ll) oxazolam;
 7 (s)(mm) paraldehyde;
 8 (t)(nn) petrichloral;
 9 (u)(oo) phenobarbital;
 10 (pp) pinazepam;
 11 (v)(qq) prazepam; and
 12 (rr) quazepam;
 13 (w)(ss) temazepam;
 14 (tt) tetrazepam; and
 15 (uu) triazolam.

16 (3) Fenfluramine. Any material, compound, mixture, or
 17 preparation that contains any quantity of the following
 18 substance, including its salts, isomers (whether optical,
 19 position, or geometric), and salts of such isomers whenever
 20 the existence of such salts, isomers, and salts of isomers
 21 is possible:

22 (a) fenfluramine.

23 (4) Stimulants. Unless specifically excepted or listed
 24 in another schedule, any material, compound, mixture, or
 25 preparation that contains any quantity of the following

1 substances having a stimulant effect on the central nervous
2 system, including its salts, isomers, and salts of isomers:

- 3 (a) cathine;
4 (b) diethylpropion;
5 (c) fencamfamin;
6 (d) fenproporex;
7 ~~(b)~~(e) mazindol;
8 (f) mefenorex;
9 ~~(c)~~(g) pemoline, including organometallic complexes and
10 chelates thereof;
11 ~~(d)~~(h) phentermine;
12 ~~(e)~~(i) pipradrol; and
13 ~~(f)~~(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

14 (5) Other substances. Unless specifically excepted or
15 listed in another schedule, any material, compound, mixture,
16 or preparation that contains any quantity of the following
17 substances, including its salts:

- 18 (a) pentazocine."

19 **Section 5.** Section 50-32-232, MCA, is amended to read:

20 "50-32-232. Specific dangerous drugs included in
21 Schedule V. Schedule V consists of the drugs and other
22 substances, by whatever official, common, usual, chemical,
23 or brand name designated, listed in this section.

24 (1) Narcotic drugs containing nonnarcotic active
25 medicinal ingredients. Any compound, mixture, or preparation

1 containing any of the following narcotic drugs or its salts
2 calculated as the free anhydrous base or alkaloid in limited
3 quantities as set forth in subsections (1)(a) through
4 (1)(f), which include one or more nonnarcotic, active
5 medicinal ingredients in sufficient proportion to confer
6 upon the compound, mixture, or preparation valuable
7 medicinal qualities other than those possessed by narcotic
8 drugs alone:

- 9 (a) not more than 200 milligrams of codeine per 100
10 milliliters or per 100 grams;
11 (b) not more than 100 milligrams of dihydrocodeine per
12 100 milliliters or per 100 grams;
13 (c) not more than 100 milligrams of ethylmorphine per
14 100 milliliters or per 100 grams;
15 (d) not more than 2.5 milligrams of diphenoxylate and
16 not less than 25 micrograms of atropine sulfate per dosage
17 unit;
18 (e) not more than 100 milligrams of opium per 100
19 milliliters or per 100 grams; and
20 (f) not more than 0.5 milligram of difenoxin and not
21 less than 25 micrograms of atropine sulfate per dosage unit.

22 (2) Boperamide Buprenorphine.

23 (3) Propylhexedrine.

24 (4) Pyrovalerone."

- End -

APPROVED BY COMMITTEE
ON JUDICIARY

1 Senate BILL NO. 68
2 INTRODUCED BY Kenedy
3 BY REQUEST OF THE BOARD OF PHARMACY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE DANGEROUS
6 DRUG SCHEDULES TO CONFORM TO THE CONTROLLED SUBSTANCES
7 CONTAINED IN FEDERAL REGULATIONS; AND AMENDING SECTIONS
8 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 50-32-222, MCA, is amended to read:

13 "50-32-222. Specific dangerous drugs included in
14 Schedule I. Schedule I consists of the drugs and other
15 substances, by whatever official, common, usual, chemical,
16 or brand name designated, listed in this section.

17 (1) Opiates. Unless specifically excepted or listed in
18 another schedule, any of the following opiates, including
19 its isomers, esters, ethers, salts, and salts of isomers,
20 esters, and ethers whenever the existence of such isomers,
21 esters, ethers, and salts is possible within the specific
22 chemical designation:

- 23 (a) acetyl-alpha-methylfentanyl;
- 24 (b) acetylmethadol;
- 25 (b)(c) allylprodine;

- 1 (c)(d) alphacetylmethadol;
- 2 (d)(e) alphameprodine;
- 3 (e)(f) alphamethadol;
- 4 (f)(g) alpha-methylfentanyl
5 (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)
7 piperidine);
- 8 (g)(h) benzethidine;
- 9 (h)(i) betacetylmethadol;
- 10 (j) beta-hydroxyfentanyl;
- 11 (k) beta-hydroxy-3-methylfentanyl;
- 12 (i)(l) betameprodine;
- 13 (j)(m) betamethadol;
- 14 (k)(n) betaprodine;
- 15 (l)(o) clonitazene;
- 16 (m)(p) dextromoramide;
- 17 (n)(q) diampromide;
- 18 (o)(r) diethylthiambutene;
- 19 (p)(s) difenoxin;
- 20 (q)(t) dimenoxadol;
- 21 (r)(u) dimepheptanol;
- 22 (s)(v) dimethylthiambutene;
- 23 (t)(w) dioxaphetyl butyrate;
- 24 (u)(x) dipipanone;
- 25 (v)(y) ethylmethylthiambutene;

1 {w}{z} etonitazene;
 2 {x}{aa} etoxeridine;
 3 {y}{bb} furethidine;
 4 {z}{cc} hydroxypethidine;
 5 {aa}{dd} ketobemidone;
 6 {bb}{ee} levomoramide;
 7 {cc}{ff} levophenacymorphan;
 8 {gg} 3-methylfentanyl;
 9 {hh} 3-methylthiofentanyl;
 10 {dd}{ii} morpheridine;
 11 {jj} MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 12 {ee}{kk} noracymethadol;
 13 {ff}{ll} norlevorphanol;
 14 {gg}{mm} normethadone;
 15 {hh}{nn} norpipanone;
 16 {oo} para-fluorofentanyl;
 17 {pp} PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 18 {ii}{qq} phenadoxone;
 19 {jj}{rr} phenampromide;
 20 {kk}{ss} phenomorphan;
 21 {ll}{tt} phenoperidine;
 22 {mm}{uu} piritramide;
 23 {nn}{vv} proheptazine;
 24 {oo}{ww} properidine;
 25 {pp}{xx} propiram;

1 {qq}{yy} racemoramide;
 2 {rr}{zz} sufentanil;
 3 {zz} thiofentanyl;
 4 {ss}{aaa} tilidine; and
 5 {tt}{bbb} trimeperidine.
 6 (2) Opium derivatives. Unless specifically excepted or
 7 listed in another schedule, any of the following opium
 8 derivatives, its salts, isomers, and salts of isomers
 9 whenever the existence of such salts, isomers, and salts of
 10 isomers is possible within the specific chemical
 11 designation:
 12 (a) acetorphine;
 13 (b) acetyldihydrocodeine;
 14 (c) benzylmorphine;
 15 (d) codeine methylbromide;
 16 (e) codeine-n-oxide;
 17 (f) cyprenorphine;
 18 (g) desomorphine;
 19 (h) dihydromorphine;
 20 (i) drotebanol;
 21 (j) etorphine;
 22 (k) heroin;
 23 (l) hydromorphanol;
 24 (m) methyldesorphine;
 25 (n) methyldihydromorphine;

1 (o) morphine methylbromide;
 2 (p) morphine methylsulfonate;
 3 (q) morphine-n-oxide;
 4 (r) morphine;
 5 (s) nicocodeine;
 6 (t) nicomorphine;
 7 (u) normorphine;
 8 (v) pholcodine; and
 9 (w) thebacon.

10 (3) Hallucinogenic substances. Unless specifically
 11 excepted or listed in another schedule, any material,
 12 compound, mixture, or preparation that contains any quantity
 13 of the following hallucinogenic substances or any of its
 14 salts, isomers, and salts of isomers whenever the existence
 15 of such salts, isomers, and salts of isomers is possible
 16 within the specific chemical designation:

17 (a) 3,4-methylenedioxy amphetamine;
 18 (b) 3,4-methylenedioxymethamphetamine (MDMA);
 19 (c) 5-methoxy-3,4-methylenedioxy amphetamine;
 20 (d) 3,4,5-trimethoxy amphetamine;
 21 (e) bufotenine;
 22 (f) doet (2,5-dimethoxy-4-ethylamphetamine);
 23 (g) diethyltryptamine;
 24 (h) dimethyltryptamine;
 25 (i) 4-methyl-2,5-dimethoxy-amphetamine;

1 (j) ibogaine;
 2 (k) lysergic acid diethylamide;
 3 (l) marijuana;
 4 (m) mescaline;
 5 (n) parahexyl;
 6 (o) peyote;
 7 (p) PCE (N-ethyl-1-phenylcyclohexylamine);
 8 (q) PHP 1-(1-phenylcyclohexyl)pyrrolidine (pcp analog);
 9 (r) n-ethyl-3-piperidyl benzilate;
 10 (s) n-methyl-3-piperidyl benzilate;
 11 (t) psilocybin;
 12 (u) psilocyn;
 13 (v) tetrahydrocannabinols;
 14 (w) 2,5-dimethoxyamphetamine;
 15 (x) 4-bromo-2,5-dimethoxy-amphetamine;
 16 (y) 4-methoxyamphetamine;
 17 (z) ethylamine analog of phencyclidine;
 18 (aa) pyrrolidine analog of phencyclidine; and
 19 (bb) thiophene analog of phencyclidine.

20 (4) Depressants. Unless specifically excepted or listed
 21 in another schedule, any material, compound, mixture, or
 22 preparation that contains any quantity of the following
 23 substance having a depressant effect on the central nervous
 24 system, including its salts, isomers, and salts of isomers
 25 whenever the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical
2 designation:

3 (a) mecloqualone; and

4 (b) methaqualone.

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

10 (a) fenethylamine; and

11 (b) n-ethylamphetamine.

12 (6) For purposes of subsection (3) only, the term
13 "isomer" includes the optical, position, and geometric
14 isomers.

15 (7) If prescription or administration is authorized by
16 the Federal Food, Drug and Cosmetic Act, then any material,
17 compound, mixture, or preparation containing
18 tetrahydrocannabinols listed in subsection (3) shall
19 automatically be rescheduled from Schedule I to Schedule
20 II."

21 **Section 2.** Section 50-32-224, MCA, is amended to read:

22 "50-32-224. Specific dangerous drugs included in
23 Schedule II. Schedule II consists of the drugs and other
24 substances, by whatever official, common, usual, chemical,
25 or brand name designated, listed in this section.

1 (1) Substances, vegetable origin or chemical synthesis.
2 Unless specifically excepted or listed in another schedule,
3 any of the following substances, whether produced directly
4 or indirectly by extraction from substances of vegetable
5 origin, independently by means of chemical synthesis, or by
6 a combination of extraction and chemical synthesis:

7 (a) opium and opiate and any salt, compound,
8 derivative, or preparation of opium or opiate, excluding
9 apomorphine, dextrorphan, nalbuphine, naloxone, and
10 naltrexone and their respective salts, but including the
11 following:

- 12 (i) raw opium;
- 13 (ii) opium extracts;
- 14 (iii) opium fluid extracts;
- 15 (iv) powdered opium;
- 16 (v) granulated opium;
- 17 (vi) tincture of opium;
- 18 (vii) codeine;
- 19 (viii) ethylmorphine;
- 20 (ix) etorphine hydrochloride;
- 21 (x) hydrocodone;
- 22 (xi) hydromorphone;
- 23 (xii) metopon;
- 24 (xiii) morphine;
- 25 (xiv) oxycodone;

1 (xv) oxymorphone; and
 2 (xvi) thebaine;
 3 (b) any salt, compound, derivative, or preparation
 4 thereof that is chemically equivalent or identical with any
 5 of the substances referred to in subsection (1)(a) of this
 6 section, except that these substances do not include the
 7 isoquinoline alkaloids of opium;
 8 (c) opium poppy and poppy straw;
 9 (d) coca leaves and any salt, compound, derivative, or
 10 preparation of coca leaves, and any salt, compound,
 11 derivative, or preparation thereof that is chemically
 12 equivalent or identical with any of these substances, except
 13 that these substances do not include decocainized coca
 14 leaves or extraction of coca leaves, which extractions do
 15 not contain cocaine or ecgonine; and
 16 (e) concentrate of poppy straw, the crude extract of
 17 poppy straw in either liquid, solid, or powder form that
 18 contains the phenanthrene alkaloids of the opium poppy.
 19 (2) Opiates. Unless specifically excepted or listed in
 20 another schedule, any of the following opiates, including
 21 its isomers, esters, ethers, salts, and salts of isomers,
 22 esters, and ethers whenever the existence of such isomers,
 23 esters, ethers, and salts is possible within the specific
 24 chemical designation, dextrorphan and levopropoxyphene
 25 excepted:

1 (a) alfentanil;
 2 (b) alphaprodine;
 3 (b)(c) anileridine;
 4 (c)(d) bezitramide;
 5 (d)(e) dihydrocodeine;
 6 (e)(f) diphenoxylate;
 7 (f)(g) fentanyl;
 8 (g)(h) isomethadone;
 9 (h)(i) levomethorphan;
 10 (i)(j) levorphanol;
 11 (j)(k) metazocine;
 12 (k)(l) methadone;
 13 (l)(m) methadone-intermediate,
 14 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 15 (m)(n) moramide-intermediate, 2-methyl-3-morpholino-1,
 16 1-diphenylpropane-carboxylic acid;
 17 (n)(o) pethidine (peridone);
 18 (o)(p) pethidine-intermediate-A,
 19 4-cyano-1-methyl-4-phenylpiperidine;
 20 (p)(q) pethidine-intermediate-B,
 21 ethyl-4-phenylpiperidine-4-carboxylate;
 22 (q)(r) pethidine-intermediate-C,
 23 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 24 (r)(s) phenazocine;
 25 (s)(t) pimiodine;

1 ~~t~~u racemethorphan;
 2 ~~u~~v racemorphan; and
 3 w sufentanil; and
 4 ~~v~~x bulk dextropropoxyphene (nondosage forms).

5 (3) Stimulants. Unless specifically excepted or listed
 6 in another schedule, any material, compound, mixture, or
 7 preparation that contains any quantity of the following
 8 substances having a stimulant effect on the central nervous
 9 system:

10 (a) amphetamine, its salts, optical isomers, and salts
 11 of its optical isomers;
 12 (b) phenmetrazine and its salts;
 13 (c) methamphetamine, its salts, isomers, and salts of
 14 its isomers; and
 15 (d) methylphenidate.

16 (4) Depressants. Unless specifically excepted or listed
 17 in another schedule, any material, compound, mixture, or
 18 preparation that contains any quantity of the following
 19 substances having a depressant effect on the central nervous
 20 system, including its salts, isomers, and salts of isomers
 21 whenever the existence of such salts, isomers, and salts of
 22 isomers is possible within the specific chemical
 23 designation:

24 (a) amobarbital;
 25 (b) methaqualone;

1 ~~e~~ pentobarbital;
 2 ~~d~~c phencyclidine; and
 3 ~~e~~d secobarbital.

4 (5) Immediate precursors. Unless specifically excepted
 5 or listed in another schedule, any material, compound,
 6 mixture, or preparation that contains any quantity of the
 7 following substances:

8 (a) immediate precursor to amphetamine and
 9 methamphetamine:
 10 (i) phenylacetone;
 11 (b) immediate precursors to phencyclidine (PCP):
 12 (i) 1-phenylcyclohexylamine; and
 13 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

14 (6) Hallucinogenic substances:
 15 (a) dronabinol (synthetic) in sesame oil and
 16 encapsulated in a soft gelatin capsule in a federal food and
 17 drug administration-approved drug product; and
 18 (b) nabilone."

19 **Section 3.** Section 50-32-226, MCA, is amended to read:
 20 "50-32-226. Specific dangerous drugs included in
 21 Schedule III. Schedule III consists of the drugs and other
 22 substances, by whatever official, common, usual, chemical,
 23 or brand name designated, listed in this section.

24 (1) Stimulants. Unless specifically excepted or listed
 25 in another schedule, any material, compound, mixture, or

1 preparation that contains any quantity of the following
 2 substances having a stimulant effect on the central nervous
 3 system, including its salts, isomers (whether optical,
 4 position, or geometric), and salts of such isomers whenever
 5 the existence of such salts, isomers, and salts of isomers
 6 is possible within the specific chemical designation:

- 7 (a) benzphetamine;
- 8 (b) chlorphentermine;
- 9 (c) clortermine; and
- 10 (d) phendimetrazine.

11 (2) Depressants. Unless specifically excepted or listed
 12 in another schedule, any material, compound, mixture, or
 13 preparation that contains any quantity of the following
 14 substances having a depressant effect on the central nervous
 15 system:

- 16 (a) any substance that contains any quantity of a
 17 derivative of barbituric acid or any salt thereof;
- 18 (b) chlorhexadol;
- 19 (c) glutethimide;
- 20 (d) lysergic acid;
- 21 (e) lysergic acid amide;
- 22 (f) methyprylon;
- 23 (g) sulfondiethylmethane;
- 24 (h) sulfonethylmethane;
- 25 (i) sulfonmethane;

- 1 (j) tiletamine and zolazepam or any of their salts;
- 2 (k) any compound, mixture, or preparation containing
- 3 amobarbital, secobarbital, or pentobarbital or any salt of
- 4 any of these drugs and one or more other active medicinal
- 5 ingredients that are not listed in any schedule; and
- 6 ~~(k)~~(l) any suppository dosage form containing
- 7 amobarbital, secobarbital, or pentobarbital or any salt of
- 8 any of these drugs approved by the federal food and drug
- 9 administration for marketing only as a suppository.
- 10 (3) Nalorphine.
- 11 (4) Narcotic drugs. Unless specifically excepted or
- 12 listed in another schedule, any material, compound, mixture,
- 13 or preparation containing any of the following narcotic
- 14 drugs or its salts calculated as the free anhydrous base or
- 15 alkaloid in the following limited quantities:
- 16 (a) not more than 1.8 grams of codeine per 100
- 17 milliliters or not more than 90 milligrams per dosage unit,
- 18 with an equal or greater quantity of an isoquinoline
- 19 alkaloid of opium;
- 20 (b) not more than 1.8 grams of codeine per 100
- 21 milliliters or not more than 90 milligrams per dosage unit,
- 22 with one or more active, nonnarcotic ingredients in
- 23 recognized therapeutic amounts;
- 24 (c) not more than 300 milligrams of dihydrocodeinone
- 25 per 100 milliliters or not more than 15 milligrams per

1 dosage unit, with a fourfold or greater quantity of an
2 isoquinoline alkaloid of opium;

3 (d) not more than 300 milligrams of dihydrocodeinone
4 per 100 milliliters or not more than 15 milligrams per
5 dosage unit, with one or more active, nonnarcotic
6 ingredients in recognized therapeutic amounts;

7 (e) not more than 1.8 grams of dihydrocodeine per 100
8 milliliters or not more than 90 milligrams per dosage unit,
9 with one or more active, nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 (f) not more than 300 milligrams of ethylmorphine per
12 100 milliliters or not more than 15 milligrams per dosage
13 unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 (g) not more than 500 milligrams of opium per 100
16 milliliters or per 100 grams or not more than 25 milligrams
17 per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts; or

19 (h) not more than 50 milligrams of morphine per 100
20 milliliters or per 100 grams, with one or more active,
21 nonnarcotic ingredients in recognized therapeutic amounts."

22 **Section 4.** Section 50-32-229, MCA, is amended to read:

23 "50-32-229. Specific dangerous drugs included in
24 Schedule IV. Schedule IV consists of the drugs and other
25 substances, by whatever official, common, usual, chemical,

1 or brand name designated, listed in this section.

2 (1) Narcotic drugs. Unless specifically excepted or
3 listed in another schedule, any material, compound, mixture,
4 or preparation containing any of the following narcotic
5 drugs or its salts calculated as the free anhydrous base or
6 alkaloid in the following limited quantities:

7 (a) not more than 1 milligram of difenoxin and not less
8 than 25 micrograms of atropine sulfate per dosage unit; and

9 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino
10 1,2-diphenyl-3-methyl-2-propionoxybutane).

11 (2) Depressants. Unless specifically excepted or listed
12 in another schedule, any material, compound, mixture, or
13 preparation that contains any quantity of the following
14 substances, including its salts, isomers, and salts of
15 isomers whenever the existence of such salts, isomers, and
16 salts of isomers is possible within the specific chemical
17 designation:

18 (a) alprazolam;

19 (b) barbital;

20 (c) bromazepam;

21 (d) camazepam;

22 ~~(e)~~ (e) chloral betaine;

23 ~~(f)~~ (f) chloral hydrate;

24 ~~(g)~~ (g) chlordiazepoxide;

25 (h) clobazam;

1 {f}{i} clonazepam;
 2 {g}{j} clorazepate;
 3 {k} clotiazepam;
 4 {l} cloxazolam;
 5 {m} delorazepam;
 6 {h}{n} diazepam;
 7 {o} estazolam;
 8 {i}{p} ethchlorvynol;
 9 {j}{q} ethinamate;
 10 {r} ethyl loflazepate;
 11 {s} fludiazepam;
 12 {t} flunitrazepam;
 13 {k}{u} flurazepam;
 14 {i}{v} halazepam;
 15 {w} haloxazolam;
 16 {x} ketazolam;
 17 {y} lopraxolam;
 18 {m}{z} lorazepam;
 19 {aa} lormetazepam;
 20 {n}{bb} mebutamate;
 21 {cc} medazepam;
 22 {dd} meprobamate;
 23 {o}{ee} methohexital;
 24 {p}--meprobamate;
 25 {q}{ff} methylphenobarbital (mephobarbital);

1 {gg} midazolam;
 2 {hh} nimetazepam;
 3 {ii} nitrazepam;
 4 {jj} nordiazepam;
 5 {r}{kk} oxazepam;
 6 {ll} oxazolam;
 7 {s}{mm} paraldehyde;
 8 {t}{nn} petrichloral;
 9 {u}{oo} phenobarbital;
 10 {pp} pinazepam;
 11 {v}{qq} prazepam; and
 12 {rr} quazepam;
 13 {w}{ss} temazepam;
 14 {tt} tetrazepam; and
 15 {uu} triazolam.

16 (3) Fenfluramine. Any material, compound, mixture, or
 17 preparation that contains any quantity of the following
 18 substance, including its salts, isomers (whether optical,
 19 position, or geometric), and salts of such isomers whenever
 20 the existence of such salts, isomers, and salts of isomers
 21 is possible:

22 (a) fenfluramine.

23 (4) Stimulants. Unless specifically excepted or listed
 24 in another schedule, any material, compound, mixture, or
 25 preparation that contains any quantity of the following

1 substances having a stimulant effect on the central nervous
2 system, including its salts, isomers, and salts of isomers:

- 3 (a) cathine;
- 4 (b) diethylpropion;
- 5 (c) fencamfamin;
- 6 (d) fenproporex;
- 7 ~~(b)~~(e) mazindol;
- 8 (f) mefenorex;
- 9 ~~(c)~~(g) pemoline, including organometallic complexes and
10 chelates thereof;
- 11 ~~(d)~~(h) phentermine;
- 12 ~~(e)~~(i) pipradrol; and
- 13 ~~(f)~~(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 14 (5) Other substances. Unless specifically excepted or
15 listed in another schedule, any material, compound, mixture,
16 or preparation that contains any quantity of the following
17 substances, including its salts:

- 18 (a) pentazocine."

19 **Section 5.** Section 50-32-232, MCA, is amended to read:

20 "50-32-232. Specific dangerous drugs included in
21 Schedule V. Schedule V consists of the drugs and other
22 substances, by whatever official, common, usual, chemical,
23 or brand name designated, listed in this section.

24 (1) Narcotic drugs containing nonnarcotic active
25 medicinal ingredients. Any compound, mixture, or preparation

1 containing any of the following narcotic drugs or its salts
2 calculated as the free anhydrous base or alkaloid in limited
3 quantities as set forth in subsections (1)(a) through
4 (1)(f), which include one or more nonnarcotic, active
5 medicinal ingredients in sufficient proportion to confer
6 upon the compound, mixture, or preparation valuable
7 medicinal qualities other than those possessed by narcotic
8 drugs alone:

- 9 (a) not more than 200 milligrams of codeine per 100
10 milliliters or per 100 grams;
- 11 (b) not more than 100 milligrams of dihydrocodeine per
12 100 milliliters or per 100 grams;
- 13 (c) not more than 100 milligrams of ethylmorphine per
14 100 milliliters or per 100 grams;
- 15 (d) not more than 2.5 milligrams of diphenoxylate and
16 not less than 25 micrograms of atropine sulfate per dosage
17 unit;
- 18 (e) not more than 100 milligrams of opium per 100
19 milliliters or per 100 grams; and
- 20 (f) not more than 0.5 milligram of difenoxin and not
21 less than 25 micrograms of atropine sulfate per dosage unit.
- 22 (2) Loperamide Buprenorphine.
- 23 (3) Propylhexedrine.
- 24 (4) Pyrovalerone."

-End-

1 Senate BILL NO. 68
 2 INTRODUCED BY Kansky
 3 BY REQUEST OF THE BOARD OF PHARMACY

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE DANGEROUS
 6 DRUG SCHEDULES TO CONFORM TO THE CONTROLLED SUBSTANCES
 7 CONTAINED IN FEDERAL REGULATIONS; AND AMENDING SECTIONS
 8 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232,
 9 MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 50-32-222, MCA, is amended to read:

13 "50-32-222. Specific dangerous drugs included in
 14 Schedule I. Schedule I consists of the drugs and other
 15 substances, by whatever official, common, usual, chemical,
 16 or brand name designated, listed in this section.

17 (1) Opiates. Unless specifically excepted or listed in
 18 another schedule, any of the following opiates, including
 19 its isomers, esters, ethers, salts, and salts of isomers,
 20 esters, and ethers whenever the existence of such isomers,
 21 esters, ethers, and salts is possible within the specific
 22 chemical designation:

- 23 (a) acetyl-alpha-methylfentanyl;
 24 (b) acetylmethadol;
 25 (b)(c) allylprodine;

- 1 (c)(d) alphacetylmethadol;
 2 (d)(e) alphameprodine;
 3 (e)(f) alphamethadol;
 4 (f)(g) alpha-methylfentanyl
 5 (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
 6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)-
 7 piperidine);
 8 (g)(h) benzethidine;
 9 (h)(i) betacetylmethadol;
 10 (j) beta-hydroxyfentanyl;
 11 (k) beta-hydroxy-3-methylfentanyl;
 12 (i)(l) betameprodine;
 13 (j)(m) betamethadol;
 14 (k)(n) betaprodine;
 15 (l)(o) clonitazene;
 16 (m)(p) dextromoramide;
 17 (n)(q) diampromide;
 18 (o)(r) diethylthiambutene;
 19 (p)(s) difenoxin;
 20 (q)(t) dimenoxadol;
 21 (r)(u) dimepheptanol;
 22 (s)(v) dimethylthiambutene;
 23 (t)(w) dioxaphetyl butyrate;
 24 (u)(x) dipipanone;
 25 (v)(y) ethylmethylthiambutene;

1 {w}{z} etonitazene;
 2 {x}{aa} etoxeridine;
 3 {y}{bb} furethidine;
 4 {z}{cc} hydroxypethidine;
 5 {aa}{dd} ketobemidone;
 6 {bb}{ee} levomoramide;
 7 {cc}{ff} levophenacymorphan;
 8 {gg} 3-methylfentanyl;
 9 {hh} 3-methylthiofentanyl;
 10 {dd}{ii} morpheridine;
 11 {jj} MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 12 {ee}{kk} noracymethadol;
 13 {ff}{ll} norlevorphanol;
 14 {gg}{mm} normethadone;
 15 {hh}{nn} norpipanone;
 16 {oo} para-fluorofentanyl;
 17 {pp} PEPAP(1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 18 {ii}{qq} phenadoxone;
 19 {jj}{rr} phenampromide;
 20 {kk}{ss} phenomorphan;
 21 {ll}{tt} phenoperidine;
 22 {mm}{uu} piritramide;
 23 {nn}{vv} proheptazine;
 24 {oo}{ww} properidine;
 25 {pp}{xx} propiram;

1 {qq}{yy} racemoramide;
 2 {rr}{zz} sufentanil;
 3 {zz} thiofentanyl;
 4 {ss}{aaa} tilidine; and
 5 {tt}{bbb} trimeperidine.
 6 (2) Opium derivatives. Unless specifically excepted or
 7 listed in another schedule, any of the following opium
 8 derivatives, its salts, isomers, and salts of isomers
 9 whenever the existence of such salts, isomers, and salts of
 10 isomers is possible within the specific chemical
 11 designation:
 12 (a) acetorphine;
 13 (b) acetyldihydrocodeine;
 14 (c) benzylmorphine;
 15 (d) codeine methylbromide;
 16 (e) codeine-n-oxide;
 17 (f) cyprenorphine;
 18 (g) desomorphine;
 19 (h) dihydromorphine;
 20 (i) drotebanol;
 21 (j) etorphine;
 22 (k) heroin;
 23 (l) hydromorphanol;
 24 (m) methyldesorphine;
 25 (n) methyldihydromorphine;

1 (o) morphine methylbromide;
 2 (p) morphine methylsulfonate;
 3 (q) morphine-n-oxide;
 4 (r) myrophine;
 5 (s) nicocodeine;
 6 (t) nicomorphine;
 7 (u) normorphine;
 8 (v) pholcodine; and
 9 (w) thebacon.

10 (3) Hallucinogenic substances. Unless specifically
 11 excepted or listed in another schedule, any material,
 12 compound, mixture, or preparation that contains any quantity
 13 of the following hallucinogenic substances or any of its
 14 salts, isomers, and salts of isomers whenever the existence
 15 of such salts, isomers, and salts of isomers is possible
 16 within the specific chemical designation:

17 (a) 3,4-methylenedioxy amphetamine;
 18 (b) 3,4-methylenedioxymethamphetamine (MDMA);
 19 (c) 5-methoxy-3,4-methylenedioxy amphetamine;
 20 (d) 3,4,5-trimethoxy amphetamine;
 21 (e) bufotenine;
 22 (f) doet (2,5-dimethoxy-4-ethylamphetamine);
 23 (g) diethyltryptamine;
 24 (h) dimethyltryptamine;
 25 (i) 4-methyl-2,5-dimethoxy-amphetamine;

1 (j) ibogaine;
 2 (k) lysergic acid diethylamide;
 3 (l) marijuana;
 4 (m) mescaline;
 5 (n) parahexyl;
 6 (o) peyote;
 7 (p) PCE (N-ethyl-1-phenylcyclohexylamine);
 8 (q) PHP 1-(1-phenylcyclohexyl)pyrrolidine (pcp analog);
 9 (r) n-ethyl-3-piperidyl benzilate;
 10 (s) n-methyl-3-piperidyl benzilate;
 11 (t) psilocybin;
 12 (u) psilocyn;
 13 (v) tetrahydrocannabinols;
 14 (w) 2,5-dimethoxyamphetamine;
 15 (x) 4-bromo-2,5-dimethoxy-amphetamine;
 16 (y) 4-methoxyamphetamine;
 17 (z) ethylamine analog of phencyclidine;
 18 (aa) pyrrolidine analog of phencyclidine; and
 19 (bb) thiophene analog of phencyclidine.

20 (4) Depressants. Unless specifically excepted or listed
 21 in another schedule, any material, compound, mixture, or
 22 preparation that contains any quantity of the following
 23 substance having a depressant effect on the central nervous
 24 system, including its salts, isomers, and salts of isomers
 25 whenever the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical
2 designation:

3 (a) mecloqualone; and

4 (b) methaqualone.

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

10 (a) fenethylamine; and

11 (b) n-ethylamphetamine.

12 (6) For purposes of subsection (3) only, the term
13 "isomer" includes the optical, position, and geometric
14 isomers.

15 (7) If prescription or administration is authorized by
16 the Federal Food, Drug and Cosmetic Act, then any material,
17 compound, mixture, or preparation containing
18 tetrahydrocannabinols listed in subsection (3) shall
19 automatically be rescheduled from Schedule I to Schedule
20 II."

21 **Section 2.** Section 50-32-224, MCA, is amended to read:

22 "50-32-224. Specific dangerous drugs included in
23 Schedule II. Schedule II consists of the drugs and other
24 substances, by whatever official, common, usual, chemical,
25 or brand name designated, listed in this section.

1 (1) Substances, vegetable origin or chemical synthesis.
2 Unless specifically excepted or listed in another schedule,
3 any of the following substances, whether produced directly
4 or indirectly by extraction from substances of vegetable
5 origin, independently by means of chemical synthesis, or by
6 a combination of extraction and chemical synthesis:

7 (a) opium and opiate and any salt, compound,
8 derivative, or preparation of opium or opiate, excluding
9 apomorphine, dextrorphan, nalbuphine, naloxone, and
10 naltrexone and their respective salts, but including the
11 following:

- 12 (i) raw opium;
- 13 (ii) opium extracts;
- 14 (iii) opium fluid extracts;
- 15 (iv) powdered opium;
- 16 (v) granulated opium;
- 17 (vi) tincture of opium;
- 18 (vii) codeine;
- 19 (viii) ethylmorphine;
- 20 (ix) etorphine hydrochloride;
- 21 (x) hydrocodone;
- 22 (xi) hydromorphone;
- 23 (xii) metopon;
- 24 (xiii) morphine;
- 25 (xiv) oxycodone;

1 (xv) oxymorphone; and
 2 (xvi) thebaine;
 3 (b) any salt, compound, derivative, or preparation
 4 thereof that is chemically equivalent or identical with any
 5 of the substances referred to in subsection (1)(a) of this
 6 section, except that these substances do not include the
 7 isoquinoline alkaloids of opium;
 8 (c) opium poppy and poppy straw;
 9 (d) coca leaves and any salt, compound, derivative, or
 10 preparation of coca leaves, and any salt, compound,
 11 derivative, or preparation thereof that is chemically
 12 equivalent or identical with any of these substances, except
 13 that these substances do not include decocainized coca
 14 leaves or extraction of coca leaves, which extractions do
 15 not contain cocaine or ecgonine; and
 16 (e) concentrate of poppy straw, the crude extract of
 17 poppy straw in either liquid, solid, or powder form that
 18 contains the phenanthrene alkaloids of the opium poppy.
 19 (2) Opiates. Unless specifically excepted or listed in
 20 another schedule, any of the following opiates, including
 21 its isomers, esters, ethers, salts, and salts of isomers,
 22 esters, and ethers whenever the existence of such isomers,
 23 esters, ethers, and salts is possible within the specific
 24 chemical designation, dextrorphan and levopropoxyphene
 25 excepted:

1 (a) alfentanil;
 2 (b) alphaprodine;
 3 (b)(c) anileridine;
 4 (c)(d) bezitramide;
 5 (d)(e) dihydrocodeine;
 6 (e)(f) diphenoxylate;
 7 (f)(g) fentanyl;
 8 (g)(h) isomethadone;
 9 (h)(i) levomethorphan;
 10 (i)(j) levorphanol;
 11 (j)(k) metazocine;
 12 (k)(l) methadone;
 13 (l)(m) methadone-intermediate,
 14 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 15 (m)(n) moramide-intermediate, 2-methyl-3-morpholino-1,
 16 1-diphenylpropane-carboxylic acid;
 17 (n)(o) pethidine (n)peridine;
 18 (o)(p) pethidine-intermediate-A,
 19 4-cyano-1-methyl-4-phenylpiperidine;
 20 (p)(q) pethidine-intermediate-B,
 21 ethyl-4-phenylpiperidine-4-carboxylate;
 22 (q)(r) pethidine-intermediate-C,
 23 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 24 (r)(s) phenazocine;
 25 (s)(t) piminodine;

1 ~~(t)~~(u) racemethorphan;
 2 ~~(u)~~(v) racemorphan; and
 3 ~~(w)~~(w) sufentanil; and
 4 ~~(v)~~(x) bulk dextropropoxyphene (nondosage forms).
 5 (3) Stimulants. Unless specifically excepted or listed
 6 in another schedule, any material, compound, mixture, or
 7 preparation that contains any quantity of the following
 8 substances having a stimulant effect on the central nervous
 9 system:
 10 (a) amphetamine, its salts, optical isomers, and salts
 11 of its optical isomers;
 12 (b) phenmetrazine and its salts;
 13 (c) methamphetamine, its salts, isomers, and salts of
 14 its isomers; and
 15 (d) methylphenidate.
 16 (4) Depressants. Unless specifically excepted or listed
 17 in another schedule, any material, compound, mixture, or
 18 preparation that contains any quantity of the following
 19 substances having a depressant effect on the central nervous
 20 system, including its salts, isomers, and salts of isomers
 21 whenever the existence of such salts, isomers, and salts of
 22 isomers is possible within the specific chemical
 23 designation:
 24 (a) amobarbital;
 25 (b) methaqualone;

1 ~~(c)~~(c) pentobarbital;
 2 ~~(d)~~(c) phencyclidine; and
 3 ~~(e)~~(d) secobarbital.
 4 (5) Immediate precursors. Unless specifically excepted
 5 or listed in another schedule, any material, compound,
 6 mixture, or preparation that contains any quantity of the
 7 following substances:
 8 (a) immediate precursor to amphetamine and
 9 methamphetamine:
 10 (i) phenylacetone;
 11 (b) immediate precursors to phencyclidine (PCP):
 12 (i) 1-phenylcyclohexylamine; and
 13 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).
 14 (6) Hallucinogenic substances:
 15 (a) dronabinol (synthetic) in sesame oil and
 16 encapsulated in a soft gelatin capsule in a federal food and
 17 drug administration-approved drug product; and
 18 (b) nabilone."
 19 **Section 3.** Section 50-32-226, MCA, is amended to read:
 20 "50-32-226. Specific dangerous drugs included in
 21 Schedule III. Schedule III consists of the drugs and other
 22 substances, by whatever official, common, usual, chemical,
 23 or brand name designated, listed in this section.
 24 (1) Stimulants. Unless specifically excepted or listed
 25 in another schedule, any material, compound, mixture, or

1 preparation that contains any quantity of the following
 2 substances having a stimulant effect on the central nervous
 3 system, including its salts, isomers (whether optical,
 4 position, or geometric), and salts of such isomers whenever
 5 the existence of such salts, isomers, and salts of isomers
 6 is possible within the specific chemical designation:

- 7 (a) benzphetamine;
- 8 (b) chlorphentermine;
- 9 (c) clortermine; and
- 10 (d) phendimetrazine.

11 (2) Depressants. Unless specifically excepted or listed
 12 in another schedule, any material, compound, mixture, or
 13 preparation that contains any quantity of the following
 14 substances having a depressant effect on the central nervous
 15 system:

- 16 (a) any substance that contains any quantity of a
 17 derivative of barbituric acid or any salt thereof;
- 18 (b) chlorhexadol;
- 19 (c) glutethimide;
- 20 (d) lysergic acid;
- 21 (e) lysergic acid amide;
- 22 (f) methyprylon;
- 23 (g) sulfondiethylmethane;
- 24 (h) sulfonethylmethane;
- 25 (i) sulfonmethane;

- 1 (j) tiletamine and zolazepam or any of their salts;
- 2 (k) any compound, mixture, or preparation containing
- 3 amobarbital, secobarbital, or pentobarbital or any salt of
- 4 any of these drugs and one or more other active medicinal
- 5 ingredients that are not listed in any schedule; and
- 6 (k)(1) any suppository dosage form containing
- 7 amobarbital, secobarbital, or pentobarbital or any salt of
- 8 any of these drugs approved by the federal food and drug
- 9 administration for marketing only as a suppository.

10 (3) Nalorphine.

11 (4) Narcotic drugs. Unless specifically excepted or
 12 listed in another schedule, any material, compound, mixture,
 13 or preparation containing any of the following narcotic
 14 drugs or its salts calculated as the free anhydrous base or
 15 alkaloid in the following limited quantities:

16 (a) not more than 1.8 grams of codeine per 100
 17 milliliters or not more than 90 milligrams per dosage unit,
 18 with an equal or greater quantity of an isoquinoline
 19 alkaloid of opium;

20 (b) not more than 1.8 grams of codeine per 100
 21 milliliters or not more than 90 milligrams per dosage unit,
 22 with one or more active, nonnarcotic ingredients in
 23 recognized therapeutic amounts;

24 (c) not more than 300 milligrams of dihydrocodeinone
 25 per 100 milliliters or not more than 15 milligrams per

1 dosage unit, with a fourfold or greater quantity of an
2 isoquinoline alkaloid of opium;

3 (d) not more than 300 milligrams of dihydrocodeinone
4 per 100 milliliters or not more than 15 milligrams per
5 dosage unit, with one or more active, nonnarcotic
6 ingredients in recognized therapeutic amounts;

7 (e) not more than 1.8 grams of dihydrocodeine per 100
8 milliliters or not more than 90 milligrams per dosage unit,
9 with one or more active, nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 (f) not more than 300 milligrams of ethylmorphine per
12 100 milliliters or not more than 15 milligrams per dosage
13 unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 (g) not more than 500 milligrams of opium per 100
16 milliliters or per 100 grams or not more than 25 milligrams
17 per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts; or

19 (h) not more than 50 milligrams of morphine per 100
20 milliliters or per 100 grams, with one or more active,
21 nonnarcotic ingredients in recognized therapeutic amounts."

22 **Section 4.** Section 50-32-229, MCA, is amended to read:

23 **"50-32-229. Specific dangerous drugs included in**
24 **Schedule IV.** Schedule IV consists of the drugs and other
25 substances, by whatever official, common, usual, chemical,

1 or brand name designated, listed in this section.

2 (1) Narcotic drugs. Unless specifically excepted or
3 listed in another schedule, any material, compound, mixture,
4 or preparation containing any of the following narcotic
5 drugs or its salts calculated as the free anhydrous base or
6 alkaloid in the following limited quantities:

7 (a) not more than 1 milligram of difenoxin and not less
8 than 25 micrograms of atropine sulfate per dosage unit; and

9 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino
10 1,2-diphenyl-3-methyl-2-propionoxybutane).

11 (2) Depressants. Unless specifically excepted or listed
12 in another schedule, any material, compound, mixture, or
13 preparation that contains any quantity of the following
14 substances, including its salts, isomers, and salts of
15 isomers whenever the existence of such salts, isomers, and
16 salts of isomers is possible within the specific chemical
17 designation:

18 (a) alprazolam;

19 (b) barbital;

20 (c) bromazepam;

21 (d) camazepam;

22 (e) chloral betaine;

23 (f) chloral hydrate;

24 (g) chlordiazepoxide;

25 (h) clobazam;

1 {f}{i} clonazepam;
 2 {g}{j} clorazepate;
 3 {k} clotiazepam;
 4 {l} cloxazolam;
 5 {m} delorazepam;
 6 {h}{n} diazepam;
 7 {o} estazolam;
 8 {i}{p} ethchlorvynol;
 9 {j}{q} ethinamate;
 10 {r} ethyl loflazepate;
 11 {s} fludiazepam;
 12 {t} flunitrazepam;
 13 {k}{u} flurazepam;
 14 {i}{v} halazepam;
 15 {w} haloxazolam;
 16 {x} ketazolam;
 17 {y} loprazolam;
 18 {m}{z} lorazepam;
 19 {aa} lormetazepam;
 20 {n}{bb} mebutamate;
 21 {cc} medazepam;
 22 {dd} meprobamate;
 23 {o}{ee} methohexital;
 24 {p}--meprobamate;
 25 {q}{ff} methylphenobarbital (mephobarbital);

1 {gg} midazolam;
 2 {hh} nimetazepam;
 3 {ii} nitrazepam;
 4 {jj} nordiazepam;
 5 {r}{kk} oxazepam;
 6 {ll} oxazolam;
 7 {s}{mm} paraldehyde;
 8 {t}{nn} petrichloral;
 9 {u}{oo} phenobarbital;
 10 {pp} pinazepam;
 11 {v}{qq} prazepam; and
 12 {rr} quazepam;
 13 {w}{ss} temazepam;
 14 {tt} tetrazepam; and
 15 {uu} triazolam.

16 (3) Fenfluramine. Any material, compound, mixture, or
 17 preparation that contains any quantity of the following
 18 substance, including its salts, isomers (whether optical,
 19 position, or geometric), and salts of such isomers whenever
 20 the existence of such salts, isomers, and salts of isomers
 21 is possible:

22 (a) fenfluramine.

23 (4) Stimulants. Unless specifically excepted or listed
 24 in another schedule, any material, compound, mixture, or
 25 preparation that contains any quantity of the following

1 substances having a stimulant effect on the central nervous
2 system, including its salts, isomers, and salts of isomers:

- 3 (a) cathine;
- 4 (b) diethylpropion;
- 5 (c) fencamfamin;
- 6 (d) fenproporex;
- 7 ~~(b)~~(e) mazindol;
- 8 (f) mefenorex;
- 9 ~~(c)~~(g) pemoline, including organometallic complexes and
10 chelates thereof;
- 11 ~~(d)~~(h) phentermine;
- 12 ~~(e)~~(i) pipradrol; and
- 13 ~~(f)~~(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 14 (5) Other substances. Unless specifically excepted or
15 listed in another schedule, any material, compound, mixture,
16 or preparation that contains any quantity of the following
17 substances, including its salts:

- 18 (a) pentazocine."

19 **Section 5.** Section 50-32-232, MCA, is amended to read:

20 "50-32-232. Specific dangerous drugs included in
21 Schedule V. Schedule V consists of the drugs and other
22 substances, by whatever official, common, usual, chemical,
23 or brand name designated, listed in this section.

24 (1) Narcotic drugs containing nonnarcotic active
25 medicinal ingredients. Any compound, mixture, or preparation

1 containing any of the following narcotic drugs or its salts
2 calculated as the free anhydrous base or alkaloid in limited
3 quantities as set forth in subsections (1)(a) through
4 (1)(f), which include one or more nonnarcotic, active
5 medicinal ingredients in sufficient proportion to confer
6 upon the compound, mixture, or preparation valuable
7 medicinal qualities other than those possessed by narcotic
8 drugs alone:

9 (a) not more than 200 milligrams of codeine per 100
10 milliliters or per 100 grams;

11 (b) not more than 100 milligrams of dihydrocodeine per
12 100 milliliters or per 100 grams;

13 (c) not more than 100 milligrams of ethylmorphine per
14 100 milliliters or per 100 grams;

15 (d) not more than 2.5 milligrams of diphenoxylate and
16 not less than 25 micrograms of atropine sulfate per dosage
17 unit;

18 (e) not more than 100 milligrams of opium per 100
19 milliliters or per 100 grams; and

20 (f) not more than 0.5 milligram of difenoxin and not
21 less than 25 micrograms of atropine sulfate per dosage unit.

22 (2) Boperamide Buprenorphine.

23 (3) Propylhexedrine.

24 (4) Pyrovalerone."

-End-

1 SENATE BILL NO. 68

2 INTRODUCED BY KENNEDY

3 BY REQUEST OF THE BOARD OF PHARMACY

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE DANGEROUS
6 DRUG SCHEDULES TO CONFORM TO THE CONTROLLED SUBSTANCES
7 CONTAINED IN FEDERAL REGULATIONS; AND AMENDING SECTIONS
8 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232,
9 MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 **Section 1.** Section 50-32-222, MCA, is amended to read:

13 *50-32-222. Specific dangerous drugs included in
14 Schedule I. Schedule I consists of the drugs and other
15 substances, by whatever official, common, usual, chemical,
16 or brand name designated, listed in this section.

17 (1) Opiates. Unless specifically excepted or listed in
18 another schedule, any of the following opiates, including
19 its isomers, esters, ethers, salts, and salts of isomers,
20 esters, and ethers whenever the existence of such isomers,
21 esters, ethers, and salts is possible within the specific
22 chemical designation:

23 (a) acetyl-alpha-methylfentanyl;24 (b) acetylmethadol;25 (c) allylprodine;1 (d) alphacetylmethadol;2 (e) alphameprodine;3 (f) alphamethadol;4 (g) alpha-methylfentanyl

5 (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]

6 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)

7 piperidine);

8 (h) benzethidine;9 (i) betacetylmethadol;10 (j) beta-hydroxyfentanyl;11 (k) beta-hydroxy-3-methylfentanyl;12 (l) betameprodine;13 (m) betamethadol;14 (n) betaprodine;15 (o) clonitazene;16 (p) dextromoramide;17 (q) diampromide;18 (r) diethylthiambutene;19 (s) difenoxin;20 (t) dimenoxadol;21 (u) dimepheptanol;22 (v) dimethylthiambutene;23 (w) dioxaphetyl butyrate;24 (x) dipipanone;25 (y) ethylmethylthiambutene;

1 {w}{z} etonitazene;
 2 {x}{aa} etoxeridine;
 3 {y}{bb} furethidine;
 4 {z}{cc} hydroxypethidine;
 5 {aa}{dd} ketobemidone;
 6 {bb}{ee} levomoramide;
 7 {cc}{ff} levophenacylmorphan;
 8 {gg} 3-methylfentanyl;
 9 {hh} 3-methylthiofentanyl;
 10 {dd}{ii} morpheridine;
 11 {jj} MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
 12 {ee}{kk} noracymethadol;
 13 {ff}{ll} norlevorphanol;
 14 {gg}{mm} normethadone;
 15 {hh}{nn} norpipanone;
 16 {oo} para-fluorofentanyl;
 17 {pp} PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 18 {ii}{qq} phenadoxone;
 19 {jj}{rr} phenampromide;
 20 {kk}{ss} phenomorphan;
 21 {ii}{tt} phenoperidine;
 22 {mm}{uu} piritramide;
 23 {nn}{vv} proheptazine;
 24 {oo}{ww} properidine;
 25 {pp}{xx} propiram;

1 {qq}{yy} racemoramide;
 2 {rr}{-sufentani};
 3 {zz} thiofentanyl;
 4 {ss}{aaa} tilidine; and
 5 {tt}{bbb} trimeperidine.

6 (2) Opium derivatives. Unless specifically excepted or
 7 listed in another schedule, any of the following opium
 8 derivatives, its salts, isomers, and salts of isomers
 9 whenever the existence of such salts, isomers, and salts of
 10 isomers is possible within the specific chemical
 11 designation:

12 (a) acetorphine;
 13 (b) acetyldihydrocodeine;
 14 (c) benzylmorphine;
 15 (d) codeine methylbromide;
 16 (e) codeine-n-oxide;
 17 (f) cyprenorphine;
 18 (g) desomorphine;
 19 (h) dihydromorphine;
 20 (i) drotebanol;
 21 (j) etorphine;
 22 (k) heroin;
 23 (l) hydromorphanol;
 24 (m) methyldesorphine;
 25 (n) methyldihydromorphine;

1 (o) morphine methylbromide;
 2 (p) morphine methylsulfonate;
 3 (q) morphine-n-oxide;
 4 (r) myrophine;
 5 (s) nicocodeine;
 6 (t) nicomorphine;
 7 (u) normorphine;
 8 (v) pholcodine; and
 9 (w) thebacon.

10 (3) Hallucinogenic substances. Unless specifically
 11 excepted or listed in another schedule, any material,
 12 compound, mixture, or preparation that contains any quantity
 13 of the following hallucinogenic substances or any of its
 14 salts, isomers, and salts of isomers whenever the existence
 15 of such salts, isomers, and salts of isomers is possible
 16 within the specific chemical designation:

17 (a) 3,4-methylenedioxy amphetamine;
 18 (b) 3,4-methylenedioxymethamphetamine (MDMA);
 19 (c) 5-methoxy-3,4-methylenedioxy amphetamine;
 20 (d) 3,4,5-trimethoxy amphetamine;
 21 (e) bufotenine;
 22 (f) doet (2,5-dimethoxy-4-ethylamphetamine);
 23 (g) diethyltryptamine;
 24 (h) dimethyltryptamine;
 25 (i) 4-methyl-2,5-dimethoxy-amphetamine;

1 (j) ibogaine;
 2 (k) lysergic acid diethylamide;
 3 (l) marijuana;
 4 (m) mescaline;
 5 (n) parahexyl;
 6 (o) peyote;
 7 (p) PCE (N-ethyl-1-phenylcyclohexylamine);
 8 (q) PHP 1-(1-phenylcyclohexyl)pyrrolidine (pcp analog);
 9 (r) n-ethyl-3-piperidyl benzilate;
 10 (s) n-methyl-3-piperidyl benzilate;
 11 (t) psilocybin;
 12 (u) psilocyn;
 13 (v) tetrahydrocannabinols;
 14 (w) 2,5-dimethoxyamphetamine;
 15 (x) 4-bromo-2,5-dimethoxy-amphetamine;
 16 (y) 4-methoxyamphetamine;
 17 (z) ethylamine analog of phencyclidine;
 18 (aa) pyrrolidine analog of phencyclidine; and
 19 (bb) thiophene analog of phencyclidine.

20 (4) Depressants. Unless specifically excepted or listed
 21 in another schedule, any material, compound, mixture, or
 22 preparation that contains any quantity of the following
 23 substance having a depressant effect on the central nervous
 24 system, including its salts, isomers, and salts of isomers
 25 whenever the existence of such salts, isomers, and salts of

1 isomers is possible within the specific chemical
2 designation:

- 3 (a) mecloqualone; and
4 (b) methaqualone.

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

- 10 (a) fenethylamine; and
11 (b) n-ethylamphetamine.

12 (6) For purposes of subsection (3) only, the term
13 "isomer" includes the optical, position, and geometric
14 isomers.

15 (7) If prescription or administration is authorized by
16 the Federal Food, Drug and Cosmetic Act, then any material,
17 compound, mixture, or preparation containing
18 tetrahydrocannabinols listed in subsection (3) shall
19 automatically be rescheduled from Schedule I to Schedule
20 II."

21 **Section 2.** Section 50-32-224, MCA, is amended to read:

22 "50-32-224. Specific dangerous drugs included in
23 Schedule II. Schedule II consists of the drugs and other
24 substances, by whatever official, common, usual, chemical,
25 or brand name designated, listed in this section.

1 (1) Substances, vegetable origin or chemical synthesis.
2 Unless specifically excepted or listed in another schedule,
3 any of the following substances, whether produced directly
4 or indirectly by extraction from substances of vegetable
5 origin, independently by means of chemical synthesis, or by
6 a combination of extraction and chemical synthesis:

7 (a) opium and opiate and any salt, compound,
8 derivative, or preparation of opium or opiate, excluding
9 apomorphine, dextrorphan, nalbuphine, naloxone, and
10 naltrexone and their respective salts, but including the
11 following:

- 12 (i) raw opium;
13 (ii) opium extracts;
14 (iii) opium fluid extracts;
15 (iv) powdered opium;
16 (v) granulated opium;
17 (vi) tincture of opium;
18 (vii) codeine;
19 (viii) ethylmorphine;
20 (ix) etorphine hydrochloride;
21 (x) hydrocodone;
22 (xi) hydromorphone;
23 (xii) metopon;
24 (xiii) morphine;
25 (xiv) oxycodone;

1 (xv) oxymorphone; and
 2 (xvi) thebaine;
 3 (b) any salt, compound, derivative, or preparation
 4 thereof that is chemically equivalent or identical with any
 5 of the substances referred to in subsection (1)(a) of this
 6 section, except that these substances do not include the
 7 isoquinoline alkaloids of opium;
 8 (c) opium poppy and poppy straw;
 9 (d) coca leaves and any salt, compound, derivative, or
 10 preparation of coca leaves, and any salt, compound,
 11 derivative, or preparation thereof that is chemically
 12 equivalent or identical with any of these substances, except
 13 that these substances do not include decocainized coca
 14 leaves or extraction of coca leaves, which extractions do
 15 not contain cocaine or ecgonine; and
 16 (e) concentrate of poppy straw, the crude extract of
 17 poppy straw in either liquid, solid, or powder form that
 18 contains the phenanthrene alkaloids of the opium poppy.
 19 (2) Opiates. Unless specifically excepted or listed in
 20 another schedule, any of the following opiates, including
 21 its isomers, esters, ethers, salts, and salts of isomers,
 22 esters, and ethers whenever the existence of such isomers,
 23 esters, ethers, and salts is possible within the specific
 24 chemical designation, dextrorphan and levopropoxyphene
 25 excepted:

1 (a) alfentanil;
 2 (b) alphaprodine;
 3 (b)(c) anileridine;
 4 (c)(d) bezitramide;
 5 (d)(e) dihydrocodeine;
 6 (e)(f) diphenoxylate;
 7 (f)(g) fentanyl;
 8 (g)(h) isomethadone;
 9 (h)(i) levomethorphan;
 10 (i)(j) levorphanol;
 11 (j)(k) metazocine;
 12 (k)(l) methadone;
 13 (l)(m) methadone-intermediate,
 14 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 15 (m)(n) moramide-intermediate, 2-methyl-3-morpholino-1,
 16 1-diphenylpropane-carboxylic acid;
 17 (n)(o) pethidine (meperidine);
 18 (o)(p) pethidine-intermediate-A,
 19 4-cyano-1-methyl-4-phenylpiperidine;
 20 (p)(q) pethidine-intermediate-B,
 21 ethyl-4-phenylpiperidine-4-carboxylate;
 22 (q)(r) pethidine-intermediate-C,
 23 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 24 (r)(s) phenazocine;
 25 (s)(t) piminodine;

1 ~~(t)~~(u) racemethorphan;
 2 ~~(u)~~(v) racemorphan; and
 3 (w) sufentanil; and
 4 ~~(v)~~(x) bulk dextropropoxyphene (nondosage forms).
 5 (3) Stimulants. Unless specifically excepted or listed
 6 in another schedule, any material, compound, mixture, or
 7 preparation that contains any quantity of the following
 8 substances having a stimulant effect on the central nervous
 9 system:
 10 (a) amphetamine, its salts, optical isomers, and salts
 11 of its optical isomers;
 12 (b) phenmetrazine and its salts;
 13 (c) methamphetamine, its salts, isomers, and salts of
 14 its isomers; and
 15 (d) methylphenidate.
 16 (4) Depressants. Unless specifically excepted or listed
 17 in another schedule, any material, compound, mixture, or
 18 preparation that contains any quantity of the following
 19 substances having a depressant effect on the central nervous
 20 system, including its salts, isomers, and salts of isomers
 21 whenever the existence of such salts, isomers, and salts of
 22 isomers is possible within the specific chemical
 23 designation:
 24 (a) amobarbital;
 25 (b) ~~methaqualone;~~

1 ~~(c)~~ pentobarbital;
 2 ~~(d)~~(c) phencyclidine; and
 3 ~~(e)~~(d) secobarbital.
 4 (5) Immediate precursors. Unless specifically excepted
 5 or listed in another schedule, any material, compound,
 6 mixture, or preparation that contains any quantity of the
 7 following substances:
 8 (a) immediate precursor to amphetamine and
 9 methamphetamine:
 10 (i) phenylacetone;
 11 (b) immediate precursors to phencyclidine (PCP):
 12 (i) 1-phenylcyclohexylamine; and
 13 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).
 14 (6) Hallucinogenic substances:
 15 (a) dronabinol (synthetic) in sesame oil and
 16 encapsulated in a soft gelatin capsule in a federal food and
 17 drug administration-approved drug product; and
 18 (b) nabilone."
 19 **Section 3.** Section 50-32-226, MCA, is amended to read:
 20 "50-32-226. Specific dangerous drugs included in
 21 Schedule III. Schedule III consists of the drugs and other
 22 substances, by whatever official, common, usual, chemical,
 23 or brand name designated, listed in this section.
 24 (1) Stimulants. Unless specifically excepted or listed
 25 in another schedule, any material, compound, mixture, or

1 preparation that contains any quantity of the following
 2 substances having a stimulant effect on the central nervous
 3 system, including its salts, isomers (whether optical,
 4 position, or geometric), and salts of such isomers whenever
 5 the existence of such salts, isomers, and salts of isomers
 6 is possible within the specific chemical designation:

- 7 (a) benzphetamine;
- 8 (b) chlorphentermine;
- 9 (c) clortermine; and
- 10 (d) phendimetrazine.

11 (2) Depressants. Unless specifically excepted or listed
 12 in another schedule, any material, compound, mixture, or
 13 preparation that contains any quantity of the following
 14 substances having a depressant effect on the central nervous
 15 system:

- 16 (a) any substance that contains any quantity of a
 17 derivative of barbituric acid or any salt thereof;
- 18 (b) chlorhexadol;
- 19 (c) glutethimide;
- 20 (d) lysergic acid;
- 21 (e) lysergic acid amide;
- 22 (f) methyprylon;
- 23 (g) sulfondiethylmethane;
- 24 (h) sulfonethylmethane;
- 25 (i) sulfonmethane;

1 (j) tiletamine and zolazepam or any of their salts;
 2 (k) any compound, mixture, or preparation containing
 3 amobarbital, secobarbital, or pentobarbital or any salt of
 4 any of these drugs and one or more other active medicinal
 5 ingredients that are not listed in any schedule; and

6 (k)(1) any suppository dosage form containing
 7 amobarbital, secobarbital, or pentobarbital or any salt of
 8 any of these drugs approved by the federal food and drug
 9 administration for marketing only as a suppository.

10 (3) Nalorphine.

11 (4) Narcotic drugs. Unless specifically excepted or
 12 listed in another schedule, any material, compound, mixture,
 13 or preparation containing any of the following narcotic
 14 drugs or its salts calculated as the free anhydrous base or
 15 alkaloid in the following limited quantities:

16 (a) not more than 1.8 grams of codeine per 100
 17 milliliters or not more than 90 milligrams per dosage unit,
 18 with an equal or greater quantity of an isoquinoline
 19 alkaloid of opium;

20 (b) not more than 1.8 grams of codeine per 100
 21 milliliters or not more than 90 milligrams per dosage unit,
 22 with one or more active, nonnarcotic ingredients in
 23 recognized therapeutic amounts;

24 (c) not more than 300 milligrams of dihydrocodeinone
 25 per 100 milliliters or not more than 15 milligrams per

1 dosage unit, with a fourfold or greater quantity of an
2 isoquinoline alkaloid of opium;

3 (d) not more than 300 milligrams of dihydrocodeinone
4 per 100 milliliters or not more than 15 milligrams per
5 dosage unit, with one or more active, nonnarcotic
6 ingredients in recognized therapeutic amounts;

7 (e) not more than 1.8 grams of dihydrocodeine per 100
8 milliliters or not more than 90 milligrams per dosage unit,
9 with one or more active, nonnarcotic ingredients in
10 recognized therapeutic amounts;

11 (f) not more than 300 milligrams of ethylmorphine per
12 100 milliliters or not more than 15 milligrams per dosage
13 unit, with one or more active, nonnarcotic ingredients in
14 recognized therapeutic amounts;

15 (g) not more than 500 milligrams of opium per 100
16 milliliters or per 100 grams or not more than 25 milligrams
17 per dosage unit, with one or more active, nonnarcotic
18 ingredients in recognized therapeutic amounts; or

19 (h) not more than 50 milligrams of morphine per 100
20 milliliters or per 100 grams, with one or more active,
21 nonnarcotic ingredients in recognized therapeutic amounts."

22 **Section 4.** Section 50-32-229, MCA, is amended to read:

23 "50-32-229. **Specific dangerous drugs included in**
24 **Schedule IV.** Schedule IV consists of the drugs and other
25 substances, by whatever official, common, usual, chemical,

1 or brand name designated, listed in this section.

2 (1) Narcotic drugs. Unless specifically excepted or
3 listed in another schedule, any material, compound, mixture,
4 or preparation containing any of the following narcotic
5 drugs or its salts calculated as the free anhydrous base or
6 alkaloid in the following limited quantities:

7 (a) not more than 1 milligram of difenoxin and not less
8 than 25 micrograms of atropine sulfate per dosage unit; and

9 (b) dextropropoxyphene (alpha-(+)-4-dimethylamino
10 1,2-diphenyl-3-methyl-2-propionoxybutane).

11 (2) Depressants. Unless specifically excepted or listed
12 in another schedule, any material, compound, mixture, or
13 preparation that contains any quantity of the following
14 substances, including its salts, isomers, and salts of
15 isomers whenever the existence of such salts, isomers, and
16 salts of isomers is possible within the specific chemical
17 designation:

18 (a) alprazolam;

19 (b) barbital;

20 (c) bromazepam;

21 (d) camazepam;

22 (e) chloral betaine;

23 (f) chloral hydrate;

24 (g) chlordiazepoxide;

25 (h) clobazam;

1 (f)(i) clonazepam;
 2 (g)(j) clorazepate;
 3 (k) clotiazepam;
 4 (l) cloxazolam;
 5 (m) delorazepam;
 6 (h)(n) diazepam;
 7 (o) estazolam;
 8 (i)(p) ethchlorvynol;
 9 (j)(q) ethinamate;
 10 (r) ethyl loflazepate;
 11 (s) fludiazepam;
 12 (t) flunitrazepam;
 13 (k)(u) flurazepam;
 14 (i)(v) halazepam;
 15 (w) haloxazolam;
 16 (x) ketazolam;
 17 (y) loprazolam;
 18 (m)(z) lorazepam;
 19 (aa) lormetazepam;
 20 (n)(bb) mebutamate;
 21 (cc) medazepam;
 22 (dd) meprobamate;
 23 (e)(ee) methohexital;
 24 (p)--meprobamate;
 25 (q)(ff) methylphenobarbital (mephobarbital);

1 (gg) midazolam;
 2 (hh) nimetazepam;
 3 (ii) nitrazepam;
 4 (jj) nordiazepam;
 5 (r)(kk) oxazepam;
 6 (ll) oxazolam;
 7 (s)(mm) paraldehyde;
 8 (t)(nn) petrichloral;
 9 (u)(oo) phenobarbital;
 10 (pp) pinazepam;
 11 (v)(qq) prazepam; and
 12 (rr) quazepam;
 13 (w)(ss) temazepam;
 14 (tt) tetrazepam; and
 15 (uu) triazolam.

16 (3) Fenfluramine. Any material, compound, mixture, or
 17 preparation that contains any quantity of the following
 18 substance, including its salts, isomers (whether optical,
 19 position, or geometric), and salts of such isomers whenever
 20 the existence of such salts, isomers, and salts of isomers
 21 is possible:

22 (a) fenfluramine.
 23 (4) Stimulants. Unless specifically excepted or listed
 24 in another schedule, any material, compound, mixture, or
 25 preparation that contains any quantity of the following

1 substances having a stimulant effect on the central nervous
2 system, including its salts, isomers, and salts of isomers:

- 3 (a) cathine;
4 (b) diethylpropion;
5 (c) fencamfamin;
6 (d) fenproporex;
7 ~~(b)~~(e) mazindol;
8 (f) mefenorex;
9 ~~(c)~~(g) pemoline, including organometallic complexes and

10 chelates thereof;

- 11 ~~(d)~~(h) phentermine;
12 ~~(e)~~(i) pipradrol; and
13 ~~(f)~~(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

14 (5) Other substances. Unless specifically excepted or
15 listed in another schedule, any material, compound, mixture,
16 or preparation that contains any quantity of the following
17 substances, including its salts:

- 18 (a) pentazocine."

19 **Section 5.** Section 50-32-232, MCA, is amended to read:

20 "50-32-232. Specific dangerous drugs included in
21 **Schedule V.** Schedule V consists of the drugs and other
22 substances, by whatever official, common, usual, chemical,
23 or brand name designated, listed in this section.

24 (1) Narcotic drugs containing nonnarcotic active
25 medicinal ingredients. Any compound, mixture, or preparation

1 containing any of the following narcotic drugs or its salts
2 calculated as the free anhydrous base or alkaloid in limited
3 quantities as set forth in subsections (1)(a) through
4 (1)(f), which include one or more nonnarcotic, active
5 medicinal ingredients in sufficient proportion to confer
6 upon the compound, mixture, or preparation valuable
7 medicinal qualities other than those possessed by narcotic
8 drugs alone:

9 (a) not more than 200 milligrams of codeine per 100
10 milliliters or per 100 grams;

11 (b) not more than 100 milligrams of dihydrocodeine per
12 100 milliliters or per 100 grams;

13 (c) not more than 100 milligrams of ethylmorphine per
14 100 milliliters or per 100 grams;

15 (d) not more than 2.5 milligrams of diphenoxylate and
16 not less than 25 micrograms of atropine sulfate per dosage
17 unit;

18 (e) not more than 100 milligrams of opium per 100
19 milliliters or per 100 grams; and

20 (f) not more than 0.5 milligram of difenoxin and not
21 less than 25 micrograms of atropine sulfate per dosage unit.

22 (2) ~~Boperamide~~ Buprenorphine.

23 (3) Propylhexedrine.

24 (4) Pyrovalerone."

-End-