

Senate Bill 323

In The Senate

January 29, 1981

Introduced and referred
to Committee on Judiciary.

April 23, 1981

Died in Committee.

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Senate BILL NO. *323*
INTRODUCED BY *Debra Canada*
BY REQUEST OF THE DEPARTMENT *Devlin*

OF PROFESSIONAL AND OCCUPATIONAL LICENSING

A BILL FOR AN ACT ENTITLED: "AN ACT TO SIMPLIFY THE SCHEDULING OF CONTROLLED SUBSTANCES BY INCORPORATING BY REFERENCE THE FEDERAL SCHEDULES; AMENDING SECTIONS 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND REPEALING SECTIONS 50-32-203, 50-32-209, 50-32-221, 50-32-223, 50-32-225, 50-32-228, AND 50-32-231, MCA."

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

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

"50-32-222. ~~Specific~~ **Dangerous** drugs included in Schedule I. The dangerous drugs listed in this section ~~21 C.F.R. 1308~~ all are included in Schedule I.

~~{1} any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designations: acetyl methadone, allylprodine, alphacetylmethadone, alphameprodine, alphamethadone, benzethidine, betacetylmethadone, betameprodine, betamethadone, betaprodine,~~

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~~clonitazene, dextrorphan, diampromide, diethylthiambutene, dimenoxadol, dimepheptanol, dimethylthiambutene, dioxaphetylbutyrate, dipipanone, ethylmethylthiambutene, etonitazene, etoxeridine, furethidine, hydroxypethidine, ketobemidone, levomoromide, levophencylmorphan, morpheridine, noracymethadol, norlevorphanol, normethadone, norpiperone, phenadoxone, phenampromide, phenomorphan, phenoperidine, piritramide, proheptazine, properidine, racemoramide, and trimiperidine;~~
~~{2} any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designations: acetorphine, acetyldihydrocodeine, benzylmorphine, codeine, methylbromide, codeine-n-oxide, cyprenorphine, desomorphine, dihydromorphine, etorphine, heroin, hydromorphone, methyl-desorphine, methyl-dihydromorphine, morphine, methylbromide, morphine, methylsulfonate, morphine-n-oxide, myrophine, nicocodeine, nicomorphine, normorphine, phocodine, and thebacon;~~
~~{3} any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic drugs, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the~~

1 specific---chemical---designations---3γ---4-methylenedioxy
 2 amphetamine---5-methoxy-3γ---4-methylenedioxy-amphetamine-3γ
 3 4γ-5-trimethoxy-amphetamine-bufotenine--diethyltryptamine
 4 dimethyltryptamine--4-methyl--1-2γ-5-dimethoxyamphetamine
 5 ibogaine--lysergic-acid-diethylamide-marijuana--mescaline
 6 peyote--n-ethyl-3-piperidyl-benzilate--n-methyl-3-piperidyl
 7 benzilate--psilocybin--psilocyn--tetrahydrocannabinols--and
 8 2γ-5-dimethoxyamphetamine--if-prescription-or-administration
 9 is--authorized--by--the-Federal-Food-Drug-and-Cosmetic-Act
 10 than--any--material--compound--mixture--or--preparation
 11 containing--tetrahydrocannabinols--shall--automatically--be
 12 rescheduled-from-Schedule-I-to-Schedule-II."

13 Section 2. Section 50-32-224, MCA, is amended to read:
 14 "50-32-224. Specific---dangerous Dangerous drugs
 15 included in Schedule II. The dangerous drugs listed in this
 16 section 21-C&E&R-1308a12 are included in Schedule II+.

17 (1)--any-of-the-following-drugs--except-those--narcotic
 18 drugs--listed--in--other--schedules--whether-produced-directly
 19 or-indirectly-by-extraction--from--substances--of--vegetable
 20 origin--independently-by-means-of-chemical-synthesis--or-by
 21 combination-of-extraction-and-chemical-synthesis+.

22 (a)--opium--and--opiate---and---any---salt---compound
 23 derivative--or--preparation--of--opium--or--opiate+

24 (b)--any---salt---compound---isomer---derivative--or
 25 preparation--thereof--which--is--chemically--equivalent--or

1 identical--with--any--of--the--drugs--referred--to--in--subsection
 2 (a)--but--not--including--the--isoquinoline-alkaloids--of--opium+
 3 (c)--opium--poppy--and--poppy--straw+
 4 (d)--coca--leaves--and--any--salt--compound--derivative--or
 5 preparation---of---coca---leaves--and--any--salt--compound
 6 derivative--or--preparation--thereof--which--is--chemically
 7 equivalent--or--identical--with--any--of--these--drugs--but--not
 8 including--decocainized--coca--leaves--or--extractions--which--do
 9 not--contain--cocaine--or--ecgonine+

10 (2)--any--of--the--following--opiates--including--their
 11 isomers--esters--ethers--salts--and--salts--of--isomers+
 12 whenever--the--existence--of--these--isomers--esters--ethers--and
 13 salts--is--possible--within--the--specific--chemical--designations

14 (a)--alphaprodine+

15 (b)--antiprodine+

16 (c)--bextramide+

17 (d)--dihydrocodeine+

18 (e)--diphenoxylate+

19 (f)--fentanyl+

20 (g)--isomethadone+

21 (h)--levomethorphan+

22 (i)--levorphanol+

23 (j)--metazocine+

24 (k)--methadone+

25 (l)--methadone--intermediate+

1 {m}--4-cyano-2-dimethyl-amino-4-
 2 {n}--4-diphenyl-butane†
 3 {o}--moramide--intermediate†
 4 {p}--2-methyl-3-morpholino-1-†
 5 {q}--1-diphenyl-propene-carboxylic-acid†
 6 {r}--pethidine†
 7 {s}--pethidine--intermediate--o†
 8 {t}--4-cyano-1-methyl-4-phenylpiperidine†
 9 {u}--pethidine--intermediate--b†
 10 {v}--ethyl-4-phenylpiperidine-4-carboxylate†
 11 {w}--pethidine--intermediate--c†
 12 {x}--1-methyl-4-phenylpiperidine-4-carboxylic-acid†
 13 {y}--phenszocinet†
 14 {z}--piminodines†
 15 {aa}--racemorphan†-and
 16 {bb}--racemorphan†
 17 {3}--any-materialy-compoundy--mixturey--or--preparation
 18 which--contains-any-quantity-of-the-following-drugs-having-a
 19 potential-for-abuse-associated-with-a--stimulant--effect--on
 20 the-central-nervous-system†
 21 {a}--amphetamine--its-saltsy--optical-isomersy--and-salts
 22 of-its-optical-isomers†
 23 {b}--phenmetrazine-and-its-salts†
 24 {c}--any---drug---which---contains---any---quantity---of
 25 methamphetamine--including-its-saltsy--isomersy--and-salts--of

1 †isomer†
 2 {d}--methylphenidate†
 3 Section 3. Section 50-32-226, MCA, is amended to read:
 4 "50-32-226. Specific---dangerous Dangerous drugs
 5 included in Schedule III. The dangerous drugs listed in this
 6 section 21_L.F.R. 1308.13 are included in Schedule III†.
 7 {i}--unless-listed-in-another-scheduley--any-materialy
 8 compoundy--mixturey--or--preparation--which--contains--any
 9 quantity-of-the-following-drugs-having-a-potential-for-abuse
 10 associated-with-a-depressant-effect-on-the--central--nervous
 11 system†
 12 {a}--any---drug---which---contains---any---quantity---of---a
 13 derivative-of-barbituric-acid-or-any-salt-of-a-derivative-of
 14 barbituric-acidy--except-those-drugs-which--are--specifically
 15 †listed-in-other-schedules†
 16 {b}--chlorhexedol†
 17 {c}--glutethimides†
 18 {d}--lysergic-acid†
 19 {e}--lysergic-acid-amides†
 20 {f}--methyprylon†
 21 {g}--phenacylidines†
 22 {h}--sulfondiethylmethane†
 23 {i}--sulfonethylmethane†-and
 24 {j}--sulfonmethane†
 25 {2}--nalorphine†

1 ~~(3) any material compound, mixture, or preparation~~
 2 ~~containing limited quantities of any of the following~~
 3 ~~narcotic drugs or any salts thereof:~~

4 ~~(a) not more than 1.8 grams of codeine or any of its~~
 5 ~~salts per 100 milliliters or not more than 90 milligrams per~~
 6 ~~dosage unit with an equal or greater quantity of an~~
 7 ~~isoquinoline alkaloid of opium;~~

8 ~~(b) not more than 1.8 grams of codeine or any of its~~
 9 ~~salts per 100 milliliters or not more than 90 milligrams per~~
 10 ~~dosage unit with one or more active nonnarcotic~~
 11 ~~ingredients in recognized therapeutic amounts;~~

12 ~~(c) not more than 300 milligrams of dihydrocodeine~~
 13 ~~or any of its salts per 100 milliliters or not more than 15~~
 14 ~~milligrams per dosage unit with a fourfold or greater~~
 15 ~~quantity of an isoquinoline alkaloid of opium;~~

16 ~~(d) not more than 300 milligrams of dihydrocodeine~~
 17 ~~or any of its salts per 100 milliliters or not more than 15~~
 18 ~~milligrams per dosage unit with one or more active~~
 19 ~~nonnarcotic ingredients in recognized therapeutic amounts;~~

20 ~~(e) not more than 1.8 grams of dihydrocodeine or any~~
 21 ~~of its salts per 100 milliliters or not more than 90~~
 22 ~~milligrams per dosage unit with one or more active~~
 23 ~~nonnarcotic ingredients in recognized therapeutic amounts;~~

24 ~~(f) not more than 300 milligrams of ethylmorphine or~~
 25 ~~any of its salts per 100 milliliters or not more than 15~~

1 ~~milligrams per dosage unit with one or more ingredients in~~
 2 ~~recognized therapeutic amounts;~~

3 ~~(g) not more than 500 milligrams of opium per 100~~
 4 ~~milliliters or per 100 grams or not more than 25 milligrams~~
 5 ~~per dosage unit with one or more active nonnarcotic~~
 6 ~~ingredients in recognized therapeutic amounts; or~~

7 ~~(h) not more than 50 milligrams of morphine or any of~~
 8 ~~its salts per 100 milliliters or per 100 grams with one or~~
 9 ~~more active nonnarcotic ingredients in recognized~~
 10 ~~therapeutic amounts."~~

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

12 "50-32-229. ~~Specific dangerous~~ **Dangerous** drugs
 13 included in Schedule IV. The following dangerous drugs
 14 listed in 21 C.F.R. 1308.14 are included in Schedule IV,
 15 any material compound, mixture, or preparation which
 16 contains any quantity of the following drugs having a
 17 potential for abuse associated with a depressant effect on
 18 the central nervous system: barbitals, chloral betaine,
 19 chloral hydrate, ethchlorvynol, ethinamate, methohexitals,
 20 meprobamate, methylphenobarbital, paraldehyde, petrichloral
 21 and phenobarbitals."

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

23 "50-32-232. ~~Specific dangerous~~ **Dangerous** drugs
 24 included in Schedule V. The following dangerous drugs listed
 25 in 21 C.F.R. 1308.15 are included in Schedule V, any

1 ~~compound, mixture, or preparation containing limited~~
2 ~~quantities of any of the following narcotic drugs which also~~
3 ~~contains one or more nonnarcotic active medicinal~~
4 ~~ingredients in sufficient proportion to confer upon the~~
5 ~~compound, mixture, or preparation valuable medicinal~~
6 ~~qualities other than those possessed by the narcotic drug~~
7 ~~alone:~~

8 ~~(1) not more than 200 milligrams of codeine or any of~~
9 ~~its salts per 100 milliliters or per 100 grams;~~

10 ~~(2) not more than 2.5 milligrams of diphenoxylate and~~
11 ~~not less than 25 micrograms of atropine sulfate per dosage~~
12 ~~unit."~~

13 Section 6. Repealer. Sections 50-32-203, 50-32-209,
14 50-32-221, 50-32-223, 50-32-225, 50-32-228, and 50-32-231,
15 MCA, are repealed.

-End-