

HOUSE BILL NO. 417

INTRODUCED BY METCALF, HAZELBAKER

BY REQUEST OF THE BOARD OF PHARMACISTS

IN THE HOUSE

January 20, 1983	Introduced and referred to Committee on Judiciary.
February 2, 1983	Committee recommend bill do pass as amended. Report adopted.
February 3, 1983	Bill printed and placed on members' desks.
February 4, 1983	Second reading, do pass.
February 5, 1983	Considered correctly engrossed.
February 7, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 8, 1983	Introduced and referred to Committee on Judiciary.
March 3, 1983	Committee recommend bill be concurred in. Report adopted.
March 5, 1983	Second reading, concurred in.
March 8, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 8, 1983

Returned to House.

March 9, 1983

Sent to enrolling.

Reported correctly
enrolled.

1 House BILL NO. 417
 2 INTRODUCED BY Metcalfe
 3 BY REQUEST OF THE BOARD OF PHARMACISTS

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE LIST OF
 6 CONTROLLED SUBSTANCES CONTAINED IN STATE LAW TO CONFORM WITH
 7 CONTROLLED SUBSTANCES LISTED IN THE CODE OF FEDERAL
 8 REGULATION, 1308.11-15; AMENDING SECTIONS 50-32-222,
 9 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, 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. The dangerous drugs listed in this section are~~
 15 ~~included in Schedule I.~~ Schedule I consists of the drugs and
 16 other substances, by whatever official, common, usual,
 17 chemical, or brand name designated, listed in this section.

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

25 (a) acetylmethadol*v*;

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

1 (x) etoxeridine*v*i
 2 (y) furethidine*v*i
 3 (z) hydroxypethidine*v*i
 4 (aa) ketobemidone*v*i
 5 (bb) levomoramide*v*i
 6 (cc) levophenacylmorphane*v*i
 7 (dd) morpheridine*v*i
 8 (ee) noracymethadol*v*i
 9 (ff) norlevorphanol*v*i
 10 (gg) normethadone*v*i
 11 (hh) norpipanone*v*i
 12 (ii) phenadoxone*v*i
 13 (jj) phenampramide*v*i
 14 (kk) phenomorphan*v*i
 15 (ll) phenoperidine*v*i
 16 (mm) piritramide*v*i
 17 (nn) proheptazine*v*i
 18 (oo) properidine*v*i
 19 (pp) propiram*v*i
 20 (qq) racemoramide*v* and
 21 (rr) sufentanil;
 22 (ss) tilidine; and
 23 (tt) trimeperidine*v*i
 24 (2) Opium derivatives. Unless specifically excepted or
 25 listed in another schedule, any of the following opium

1 derivatives, their its salts, isomers, and salts of isomers
 2 ~~unless specifically excepted~~ whenever the existence of
 3 these such salts, isomers, and salts of isomers is possible
 4 within the specific chemical designation:
 5 (a) acetorphine*v*i
 6 (b) acetyldihydrocodeine*v*i
 7 (c) benzylmorphine*v*i
 8 (d) codeine methylbromide*v*i
 9 (e) codeine-n-oxide*v*i
 10 (f) cyprenorphine*v*i
 11 (g) desomorphine*v*i
 12 (h) dihydromorphine*v*i
 13 (i) ~~drotebanol~~
 14 (j) etorphine*v*i
 15 (k) heroin*v*i
 16 (l) hydromorphinol*v*i
 17 (m) methyl desorphine*v*i
 18 (n) methyldihydromorphine*v*i
 19 (o) morphine methylbromide*v*i
 20 (p) morphine methylsulfonate*v*i
 21 (q) morphine-n-oxide*v*i
 22 (r) myrophine*v*i
 23 (s) nicocodeine*v*i
 24 (t) nicomorphine*v*i
 25 (u) normorphine*v*i

1 (v) phoetodine, pholcodine; and
 2 (w) thebacon;
 3 (3) Hallucinogenic substances. Unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation ~~which that~~ contains any
 6 quantity of the following hallucinogenic ~~drugs substances~~
 7 ~~their or any of its~~ salts, isomers, and salts of isomers
 8 ~~unless specifically excepted,~~ whenever the existence of
 9 these ~~such~~ salts, isomers, and salts of isomers is possible
 10 within the specific chemical designation:

- 11 (a) 3,4-methylenedioxy amphetamine;
 12 (b) 5-methoxy-3,4-methylenedioxy amphetamine;
 13 (c) 3,4,5-trimethoxy amphetamine;
 14 (d) bufotenine;
 15 (e) diethyltryptamine;
 16 (f) dimethyltryptamine;
 17 (g) 4-methyl-----1-2-----5-dimethoxyamphetamine
 18 4-methyl-2,5-dimethoxy-amphetamine;
 19 (h) ibogaine;
 20 (i) lysergic acid diethylamide;
 21 (j) marihuana;
 22 (k) mescaline;
 23 (l) peyote;
 24 (m) n-ethyl-3-piperidyl benzilate;
 25 (n) n-methyl-3-piperidyl benzilate;

1 (o) psilocybin;
 2 (p) psilocyn;
 3 (q) tetrahydrocannabinols; and
 4 (r) 2,5-dimethoxyamphetamine;
 5 (s) 4-bromo-2,5-dimethoxy-amphetamine;
 6 (t) 4-methoxyamphetamine;
 7 (u) ethylamine analog of phencyclidine;
 8 (v) pyrrolidine analog of phencyclidine; and
 9 (w) thiophene analog of phencyclidine.
 10 (4) Depressants. Unless specifically excepted or
 11 listed in another schedule, any material, compound, mixture,
 12 or preparation that contains any quantity of the following
 13 substance having a depressant effect on the central nervous
 14 system, including its salts, isomers, and salts of isomers
 15 whenever the existence of such salts, isomers, and salts of
 16 isomers is possible within the specific chemical
 17 designation:

- 18 (a) mecloqualone.
 19 (5) Stimulants. Unless specifically excepted or listed
 20 in another schedule, any material, compound, mixture, or
 21 preparation that contains any quantity of the following
 22 substances having a stimulant effect on the central nervous
 23 system, including its salts, isomers, and salts of isomers:
 24 (a) fenethylline; and
 25 (b) n-ethylamphetamine.

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

4 (7) If prescription or administration is authorized by
 5 the Federal Food, Drug and Cosmetic Act, then any material,
 6 compound, mixture, or preparation containing
 7 tetrahydrocannabinols listed in subsection (3) shall
 8 automatically be rescheduled from Schedule I to Schedule
 9 II."

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

11 "50-32-224. Specific dangerous drugs included in
 12 Schedule II. ~~The dangerous drugs listed in this section--are~~
 13 ~~included in Schedule II.~~ Schedule II consists of the drugs
 14 and other substances, by whatever official, common, usual,
 15 chemical, or brand name designated, listed in this section.

16 (1) Substances, vegetable origin or chemical
 17 synthesis, unless specifically excepted or listed in another
 18 schedule, any of the following drugs, ~~except those narcotic~~
 19 ~~drugs listed in other schedules,~~ substances, whether
 20 produced directly or indirectly by extraction from
 21 substances of vegetable origin, independently by means of
 22 chemical synthesis, or by a combination of extraction and
 23 chemical synthesis:

24 (a) opium and opiate and any salt, compound,
 25 derivative, or preparation of opium or opiate, ~~excluding~~

1 apomorphine, dextrorphan, nalbuphine, naloxone, and
 2 naltrexone and their respective salts, but including the
 3 following:

4 (i) raw opium;

5 (ii) opium extracts;

6 (iii) opium fluid extracts;

7 (iv) powdered opium;

8 (v) granulated opium;

9 (vi) tincture of opium;

10 (vii) codeine;

11 (viii) ethylmorphine;

12 (ix) etorphine hydrochloride;

13 (x) hydrocodone;

14 (xi) hydromorphone;

15 (xii) metopon;

16 (xiii) morphine;

17 (xiv) oxycodone;

18 (xv) oxymorphone; and

19 (xvi) thebaine;

20 (b) any salt, compound, isomer, derivative, or
 21 preparation thereof which ~~that~~ is chemically equivalent or
 22 identical with any of the drugs substances referred to in
 23 subsection (1)(a) of this section, but ~~not including~~ ~~except~~
 24 ~~that these substances do not include~~ the isoquinoline
 25 alkaloids of opium;

1 (c) opium poppy and poppy straw;

2 (d) coca leaves and any salt, compound, derivative, or
3 preparation of coca leaves, and any salt, compound,
4 derivative, or preparation thereof which ~~that~~ is chemically
5 equivalent or identical with any of these ~~drugs~~ substances,
6 ~~but not including~~ except that these substances do not
7 include decocainized coca leaves or ~~extractions~~ extraction
8 of coca leaves, which extractions do not contain cocaine or
9 ecgonine; and

10 (e) concentrate of poppy straw, the crude extract of
11 poppy straw in either liquid, solid, or powder form that
12 contains the phenanthrene alkaloids of the opium poppy.

13 (2) Opiates. Unless specifically excepted or listed in
14 another schedule, any of the following opiates, including
15 ~~their~~ its isomers, esters, ethers, salts, and salts of
16 isomers, esters, and ethers whenever the existence of these
17 such isomers, esters, ethers, and salts is possible within
18 the specific chemical designation, dextrorphan and
19 levopropoxyphene excepted:

20 (a) alphaprodine;

21 (b) anileridine;

22 (c) bezitramide;

23 (d) dihydrocodeine;

24 (e) diphenoxylate;

25 (f) fentanyl;

1 (g) isomethadone;

2 (h) levomethorphan;

3 (i) levorphanol;

4 (j) metazocine;

5 (k) methadone;

6 (l) methadone-intermediate~~1~~₂

7 ~~(m)~~ 4-cyano-2-dimethylamino-4~~1~~₂

8 ~~(n)~~ 4-diphenyl butane;

9 ~~(o)~~ ~~(m)~~ moramide-intermediate~~1~~₂

10 ~~(p)~~ 2-methyl-3-morpholino-1~~1~~₂

11 ~~(q)~~ 1-diphenylpropane-carboxylic acid;

12 ~~(r)~~ ~~(n)~~ pethidine ~~(meperidine)~~;

13 ~~(s)~~ ~~(o)~~ pethidine-intermediate-A~~1~~₂

14 ~~(t)~~ 4-cyano-1-methyl-4-phenylpiperidine;

15 ~~(u)~~ ~~(p)~~ pethidine-intermediate-B~~1~~₂

16 ~~(v)~~ ethyl-4-phenylpiperidine-4-carboxylate;

17 ~~(w)~~ ~~(q)~~ pethidine-intermediate-C~~1~~₂

18 ~~(x)~~ 1-methyl-4-phenylpiperidine-4-carboxylic acid;

19 ~~(y)~~ ~~(r)~~ phenazocine;

20 ~~(z)~~ ~~(s)~~ piminodine;

21 ~~(aa)~~ ~~(t)~~ racemethorphan; and

22 ~~(bb)~~ ~~(u)~~ racemorphan; and

23 (v) bulk dextropropoxyphene (nondosage forms).

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

1 preparation which ~~that~~ contains any quantity of the
2 following drugs ~~substances~~ having a ~~potential for abuse~~
3 ~~associated with a~~ stimulant effect on the central nervous
4 system:

5 (a) amphetamine, its salts, optical isomers, and salts
6 of its optical isomers;

7 (b) phenmetrazine and its salts;

8 (c) ~~any drug which contains any quantity of~~
9 methamphetamine, ~~including~~ its salts, isomers, and salts of
10 ~~its~~ isomers; and

11 (d) methylphenidate.

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

20 (a) amobarbital;

21 (b) methaqualone;

22 (c) pentobarbital;

23 (d) phencyclidine; and

24 (e) secobarbital.

25 (5) ~~Immediate precursors. Unless specifically excepted~~

1 ~~or listed in another schedule, any material, compound,~~
2 ~~mixture, or preparation that contains any quantity of the~~
3 ~~following substances:~~

4 (a) ~~immediate precursor to amphetamine and~~
5 ~~methamphetamines:~~

6 (i) ~~phenylacetone;~~

7 (b) ~~immediate precursors to phencyclidine (PCP):~~

8 (i) ~~1-phenylcyclohexylamine; and~~

9 (ii) ~~1-piperidinocyclohexanecarbonitrile (PCC)."~~

10 Section 3. Section 50-32-226, MCA, is amended to read:

11 "50-32-226. Specific dangerous drugs included in
12 Schedule III. ~~The dangerous drugs listed in this section are~~
13 ~~included in Schedule III. Schedule III consists of the drugs~~
14 ~~and other substances, by whatever official, common, usual,~~
15 ~~chemical, or brand name designated, listed in this section.~~

16 (1) ~~Stimulants. 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 stimulant effect on the central nervous~~
20 ~~system, including its salts, isomers (whether optical,~~
21 ~~position, or geometric), and salts of such isomers whenever~~
22 ~~the existence of such salts, isomers, and salts of isomers~~
23 ~~is possible within the specific chemical designation:~~

24 (a) ~~benzphetamine;~~

25 (b) ~~chlorphentermine;~~

1 (c) clortermine; and

2 (d) phendimetrazine.

3 ~~††(2) unless~~ Depressants. Unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation which that contains any
 6 quantity of the following drugs substances having a
 7 potential--for--abuse--associated--with a depressant effect on
 8 the central nervous system:

9 (a) ~~any drug--which~~ substance that contains any
 10 quantity of a derivative of barbituric acid or any salt of a
 11 derivative--of--barbituric--acid,--except--those--drugs--which--are
 12 specifically--listed--in--other--schedules thereof;

13 (b) chlorhexadol;

14 (c) glutethimide;

15 (d) lysergic acid;

16 (e) lysergic acid amide;

17 (f) methyprylon;

18 ~~††(g) phencyclidine;~~

19 ~~††(g)~~ sulfondiethylmethane;

20 ~~††(h)~~ sulfonethylmethane; and

21 ~~††(i)~~ sulfonmethane;

22 (j) any compound, mixture, or preparation containing
 23 amobarbital, secobarbital, or pentobarbital or any salt of
 24 any of these drugs and one or more other active medicinal
 25 ingredients that are not listed in any schedule; and

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

5 ~~††(3)~~ nalorphine; Nalorphine;

6 ~~††(4)~~ Narcotic drugs. Unless specifically excepted or
 7 listed in another schedule, any material, compound, mixture,
 8 or preparation containing limited quantities of any of the
 9 following narcotic drugs or any its salts thereof calculated
 10 as the free anhydrous base or alkaloid in the following
 11 limited quantities:

12 (a) not more than 1.8 grams of codeine ~~or any of its~~
 13 ~~salts~~ per 100 milliliters or not more than 90 milligrams per
 14 dosage unit, with an equal or greater quantity of an
 15 isoquinoline alkaloid of opium;

16 (b) not more than 1.8 grams of codeine ~~or any of its~~
 17 ~~salts~~ per 100 milliliters or not more than 90 milligrams per
 18 dosage unit, with one or more active, nonnarcotic
 19 ingredients in recognized therapeutic amounts;

20 (c) not more than 300 milligrams of dihydrocodeinone
 21 ~~or any of its salts~~ per 100 milliliters or not more than 15
 22 milligrams per dosage unit, with a fourfold or greater
 23 quantity of an isoquinoline alkaloid of opium;

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

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

3 (e) not more than 1.8 grams of dihydrocodeine ~~or any~~
4 ~~of its salts~~ per 100 milliliters or not more than 90

5 milligrams per dosage unit, with one or more active,
6 nonnarcotic ingredients in recognized therapeutic amounts;

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

9 milligrams per dosage unit, with one or more active
10 nonnarcotic ingredients in recognized therapeutic amounts;

11 (g) not more than 500 milligrams of opium per 100
12 milliliters or per 100 grams, or not more than 25 milligrams

13 per dosage unit, with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts; or

15 (h) not more than 50 milligrams of morphine ~~or any of~~
16 ~~its salts~~ per 100 milliliters or per 100 grams, with one or

17 more active, nonnarcotic ingredients in recognized
18 therapeutic amounts."

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

20 "50-32-229. Specific dangerous drugs included in

21 Schedule IV. ~~The following dangerous drugs are included in~~
22 Schedule IV. Schedule IV consists of the drugs and other

23 substances, by whatever official, common, usual, chemical,
24 or brand name designated, listed in this section.

25 (1) Narcotic drugs, unless specifically excepted or

1 listed in another schedule, any material, compound, mixture,
2 or preparation containing any of the following narcotic
3 drugs or its salts calculated as the free anhydrous base or
4 alkaloid in the following limited quantities:

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

8 (b) dextropropoxyphene (alpha-(*)-4-dimethylamino-
9 1,2-diphenyl-3-methyl-2-propionoxybutane),

10 (2) Depressants, unless specifically excepted or
11 listed in another schedule, any material, compound, mixture,
12 or preparation which ~~that~~ contains any quantity of the
13 following drugs ~~having a potential for abuse associated with~~
14 ~~a depressant effect on the central nervous system~~
15 substances, including its salts, isomers, and salts of
16 isomers whenever the existence of such salts, isomers, and
17 salts of isomers is possible within the specific chemical
18 designation:

19 (a) alprazolam;

20 (b) barbital;

21 (c) chloral betaine;

22 (d) chloral hydrate;

23 (e) chlordiazepoxide;

24 (f) clonazepam;

25 (g) clorazepate;

1 (h) diazepam;
 2 (i) ethchlorvynol;
 3 (j) ethinamate;
 4 (k) flurazepam;
 5 (l) halazepam;
 6 (m) lorazepam;
 7 (n) mebutamate;
 8 (o) methohexital;
 9 (p) meprobamate;
 10 (q) methylphenobarbital; (mephobarbital);
 11 (r) oxazepam;
 12 (s) paraldehyde;
 13 (t) petrichloral; and
 14 (u) phenobarbital;
 15 (v) prazepam; and
 16 (w) temazepam.
 17 (3) Fenfluramine. Any material, compound, mixture, or
 18 preparation that contains any quantity of the following
 19 substance, including its salts, isomers (whether optical,
 20 position, or geometric), and salts of such isomers whenever
 21 the existence of such salts, isomers, and salts of isomers
 22 is possible:
 23 (a) fenfluramine,
 24 (4) 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, and salts of isomers:
 4 (a) diethylpropion;
 5 (b) mazindol;
 6 (c) pemoline, including organometallic complexes and
 7 chelates thereof;
 8 (d) phentermine;
 9 (e) pipradrol; and
 10 (f) SPA ((-)-1-dimethylamino-1,2-diphenylethane),
 11 (5) Other substances. Unless specifically excepted or
 12 listed in another schedule, any material, compound, mixture,
 13 or preparation that contains any quantity of the following
 14 substances, including its salts:
 15 (a) pentazocine."
 16 Section 5. Section 50-32-232, MCA, is amended to read:
 17 "50-32-232. Specific dangerous drugs included in
 18 Schedule V. ~~The following dangerous drugs are included in~~
 19 ~~Schedule V.~~ Schedule V consists of the drugs and other
 20 substances, by whatever official, common, usual, chemical,
 21 or brand name designated, listed in this section.
 22 (1) Narcotic drugs containing nonnarcotic active
 23 medicinal ingredients, any Any compound, mixture, or
 24 preparation containing ~~limited quantities of~~ any of the
 25 following narcotic drugs ~~which also contains~~ or its salts

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

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

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

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

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

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

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

21 (2) Loperamide."

-End-

Approved by Committee on Judiciary

HOUSE BILL NO. 417

INTRODUCED BY METCALF, HAZELBAKER

BY REQUEST OF THE BOARD OF PHARMACISTS

A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE LIST OF CONTROLLED SUBSTANCES CONTAINED IN STATE LAW TO CONFORM WITH CONTROLLED SUBSTANCES LISTED IN THE CODE OF FEDERAL REGULATION, 1308.11-15; AMENDING SECTIONS 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, 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 are included in Schedule I.~~ Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates, Unless specifically excepted or listed in another schedule, any of the following opiates, including their ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, ~~unless specifically excepted~~ whenever the existence of these ~~such~~ isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetylmethadol*v*i

(b) allylprodine*v*i

(c) alphacetylmethadol*v*i

(d) alphameprodine*v*i

(e) alphanethadol*v*i

(f) ~~alpha-methylfentanyl~~

~~(N-[1-(alpha-methyl-beta-phenylethyl-4-piperidyl)propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilide) piperidine];~~

(g) benzethidine*v*i

(h) betacetylmethadol*v*i

(i) betameprodine*v*i

(j) betamethadol*v*i

(k) betaprodine*v*i

(l) clonitazene*v*i

(m) dextromoramide*v*-dextrorphan*v*i

(n) diampromide*v*i

(o) diethylthiambutene*v*i

(p) ~~difenoxini~~

(q) dimenoxadol*v*i

(r) dimepheptanol*v*i

(s) dimethylthiambutene*v*i

(t) dioxaphetyl butyrate*v*i

(u) dipipanone*v*i

(v) ethylmethylthiambutene*v*i

(w) etonitazene*v*i

1 (xl) etoxeridine*v*i
 2 (yl) furethidine*v*i
 3 (zl) hydroxypethidine*v*i
 4 (aal) ketobemidone*v*i
 5 (bb) levomoramide*v*i
 6 (cc) levophenacylmorphane*v*i
 7 (dd) morpheridine*v*i
 8 (ee) noracymethadol*v*i
 9 (ff) norlevorphanol*v*i
 10 (gg) normethadone*v*i
 11 (hh) norpipanone*v*i
 12 (ii) phenadoxone*v*i
 13 (jj) phenampromide*v*i
 14 (kk) phenomorphan*v*i
 15 (ll) phenoperidine*v*i
 16 (mm) piritramide*v*i
 17 (nn) proheptazine*v*i
 18 (oo) properidine*v*i
 19 (pp) propirami
 20 (qq) racemoramide*v* and
 21 (rr) sufentanil
 22 (ss) tilidine*v* and
 23 (tt) trimeperidine*v*
 24 (2) Opium derivatives. Unless specifically excepted or
 25 listed in another schedule, any of the following opium

1 derivatives, their its salts, isomers, and salts of isomers
 2 unless--specifically--excepted, whenever the existence of
 3 these such salts, isomers, and salts of isomers is possible
 4 within the specific chemical designation:
 5 (a) acetorphine*v*i
 6 (b) acetyldihydrocodeine*v*i
 7 (c) benzylmorphine*v*i
 8 (d) codeine methylbromide*v*i
 9 (e) codeine-n-oxide*v*i
 10 (f) cyprenorphine*v*i
 11 (g) desomorphine*v*i
 12 (h) dihydromorphine*v*i
 13 (i) drotebanol
 14 (j) etorphine*v*i
 15 (k) heroin*v*i
 16 (l) hydromorphinol*v*i
 17 (m) methyl-desorphine*v*i
 18 (n) methyldihydromorphine*v*i
 19 (o) morphine methylbromide*v*i
 20 (p) morphine methylsulfonate*v*i
 21 (q) morphine-n-oxide*v*i
 22 (r) myrophine*v*i
 23 (s) nicocodeine*v*i
 24 (t) nicomorphine*v*i
 25 (u) normorphine*v*i

1 (v) phoetodinev pholcodinev and
 2 (w) thebaconv;
 3 (3) Hallucinogenic substances, Unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation which that contains any
 6 quantity of the following hallucinogenic drugs substancesv
 7 their or any of its salts, isomers, and salts of isomersv
 8 unless specifically exceptedv whenever the existence of
 9 these such salts, isomers, and salts of isomers is possible
 10 within the specific chemical designation:
 11 (a) 3,4-methylenedioxy amphetaminev;
 12 (b) 5-methoxy-3,4-methylenedioxy amphetaminev;
 13 (c) 3,4,5-trimethoxy amphetaminev;
 14 (d) bufoteninev;
 15 (e) diethyltryptaminev;
 16 (f) dimethyltryptaminev;
 17 (g) 4-methyl-----1-2v-----5-dimethoxyamphetaminev
 18 4-methyl-2,5-dimethoxy-amphetaminev;
 19 (h) ibogainev;
 20 (i) lysergic acid diethylamidev;
 21 (j) marihuanev;
 22 (k) mescalinev;
 23 (l) peyotev;
 24 (m) n-ethyl-3-piperidyl benzilatev;
 25 (n) n-methyl-3-piperidyl benzilatev;

1 (o) psilocybinv;
 2 (p) psilocynv;
 3 (q) tetrahydrocannabinolsv; and
 4 (C) 2,5-dimethoxyamphetaminev;
 5 (s) 4-bromo-2,5-dimethoxy-amphetaminev;
 6 (t) 4-methoxyamphetaminev;
 7 (u) ethylamine analog of phencyclidinev;
 8 (v) pyrrolidine analog of phencyclidinev; and
 9 (w) thiophene analog of phencyclidinev.
 10 (4) Depressants, Unless specifically excepted or
 11 listed in another schedule, any material, compound, mixture,
 12 or preparation that contains any quantity of the following
 13 substance having a depressant effect on the central nervous
 14 system, including its salts, isomers, and salts of isomers
 15 whenever the existence of such salts, isomers, and salts of
 16 isomers is possible within the specific chemical
 17 designation:
 18 (a) mecloqualonev;
 19 (5) Stimulants, Unless specifically excepted or listed
 20 in another schedule, any material, compound, mixture, or
 21 preparation that contains any quantity of the following
 22 substances having a stimulant effect on the central nervous
 23 system, including its salts, isomers, and salts of isomers:
 24 (a) fenethyllinev; and
 25 (b) n-ethylamphetaminev.

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

4 (7) If prescription or administration is authorized by
 5 the Federal Food, Drug and Cosmetic Act, then any material,
 6 compound, mixture, or preparation containing
 7 tetrahydrocannabinols listed in subsection (3) shall
 8 automatically be rescheduled from Schedule I to Schedule
 9 II."

10 Section 2. Section 50-32-224, MCA, is amended to read:
 11 "50-32-224. Specific dangerous drugs included in
 12 Schedule II. ~~The dangerous drugs listed in this section are~~
 13 ~~included in Schedule II.~~ Schedule II consists of the drugs
 14 and other substances, by whatever official, common, usual,
 15 chemical, or brand name designated, listed in this section.

16 (1) Substances, vegetable origin or chemical
 17 synthesis, unless specifically excepted or listed in another
 18 schedule, any of the following drugs, ~~except those narcotic~~
 19 drugs ~~listed in other schedules,~~ substances, whether
 20 produced directly or indirectly by extraction from
 21 substances of vegetable origin, independently by means of
 22 chemical synthesis, or by a combination of extraction and
 23 chemical synthesis:

24 (a) opium and opiate and any salt, compound,
 25 derivative, or preparation of opium or opiate, excluding

1 apomorphine, dextrorphan, nalbuphine, naloxone, and
 2 naltrexone and their respective salts, but including the
 3 following:

- 4 (i) raw opium;
- 5 (ii) opium extracts;
- 6 (iii) opium fluid extracts;
- 7 (iv) powdered opium;
- 8 (v) granulated opium;
- 9 (vi) tincture of opium;
- 10 (vii) codeine;
- 11 (viii) ethylmorphine;
- 12 (ix) etorphine hydrochloride;
- 13 (x) hydrocodone;
- 14 (xi) hydromorphone;
- 15 (xii) meperoni;
- 16 (xiii) morphine;
- 17 (xiv) oxycodone;
- 18 (xv) oxycodone; and
- 19 (xvi) thebaine;

20 (b) any salt, compound, isomer, derivative, or
 21 preparation thereof which that is chemically equivalent or
 22 identical with any of the drug substances referred to in
 23 subsection (1)(a) of this section, but ~~not including~~ except
 24 that these substances do not include the isoquinoline
 25 alkaloids of opium;

1 (c) opium poppy and poppy straw;

2 (d) coca leaves and any salt, compound, derivative, or
3 preparation of coca leaves, and any salt, compound,
4 derivative, or preparation thereof ~~which that~~ is chemically
5 equivalent or identical with any of these ~~drug~~ substances,
6 ~~but not including except that these substances do not~~
7 ~~include~~ decocainized coca leaves or ~~extractions~~ extraction
8 of coca leaves, which ~~extractions~~ do not contain cocaine or
9 ecgonine; and

10 (e) ~~concentrate of poppy straw, the crude extract of~~
11 ~~poppy straw in either liquid, solid, or powder form that~~
12 ~~contains the phenanthrene alkaloids of the opium poppy.~~

13 (2) ~~Opiates. Unless specifically excepted or listed in~~
14 ~~another schedule,~~ any of the following opiates, including
15 their ~~its~~ isomers, esters, ethers, salts, and salts of
16 isomers, ~~esters, and ethers~~ whenever the existence of these
17 such isomers, esters, ethers, and salts is possible within
18 the specific chemical designation, ~~dextrorphan~~ and
19 ~~levorpropoxyphene~~ excepted:

20 (a) alphaprodine;

21 (b) anileridine;

22 (c) bezitramide;

23 (d) dihydrocodeins;

24 (e) diphenoxylate;

25 (f) fentanyl;

1 (g) isomethadone;

2 (h) levomethorphan;

3 (i) levorphanol;

4 (j) metazocine;

5 (k) methadone;

6 (l) methadone-intermediate~~s~~;

7 (m) 4-cyano-2-dimethylamino-4~~s~~;

8 (n) 4-diphenyl butane;

9 (o)(m) moramide-intermediate~~s~~;

10 (p) 2-methyl-3-morpholino-1~~s~~;

11 (q) 1-diphenylpropane-carboxylic acid;

12 (r)(n) pethidine (meperidine);

13 (s)(o) pethidine-intermediate-A~~s~~;

14 (t) 4-cyano-1-methyl-4-phenylpiperidine;

15 (u)(o) pethidine-intermediate-B~~s~~;

16 (v) ethyl-4-phenylpiperidine-4-carboxylate;

17 (w)(o) pethidine-Intermediate-C~~s~~;

18 (x) 1-methyl-4-phenylpiperidine-4-carboxylic acid;

19 (y)(l) phenazocine;

20 (z)(s) piminodine;

21 (aa)(l) racemethorphan; and

22 (bb)(ul) racemorphan; and

23 (v) ~~bulk dextrorpropoxyphene (non-dosage forms).~~

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

1 preparation which that contains any quantity of the
2 following drugs substances having a potential--for--abuse
3 associated--with--a stimulant effect on the central nervous
4 system:

5 (a) amphetamine, its salts, optical isomers, and salts
6 of its optical isomers;

7 (b) phenmetrazine and its salts;

8 (c) any--drug--which---contains---any---quantity---of
9 methamphetamine, including its salts, isomers, and salts of
10 its isomers; and

11 (d) methylphenidate.

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

20 (a) amobarbital;

21 (b) methaqualone;

22 (c) pentobarbital;

23 (d) phencyclidine; and

24 (e) secobarbital.

25 (5) Immediate precursors. Unless specifically excepted

1 or listed in another schedule, any material, compound,
2 mixture, or preparation that contains any quantity of the
3 following substances:

4 (a) immediate precursor to amphetamine and
5 methamphetamine:

6 (i) phenylacetone;

7 (b) immediate precursors to phencyclidine (PCP):

8 (i) 1-phenylcyclohexylamine; and

9 (ii) 1-piperidinocyclohexanecarbonitrile (PCC)."

10 Section 3. Section 50-32-226, MCA, is amended to read:

11 "50-32-226. Specific dangerous drugs included in
12 Schedule III. ~~The dangerous drugs listed in this section are~~
13 ~~included in Schedule III.~~ Schedule III consists of the drugs
14 and other substances, by whatever official, common, usual,
15 chemical, or brand name designated, listed in this section:

16 (1) Stimulants. 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 stimulant effect on the central nervous
20 system, including its salts, isomers (whether optical,
21 position, or geometric), and salts of such isomers whenever
22 the existence of such salts, isomers, and salts of isomers
23 is possible within the specific chemical designation:

24 (a) benzphetamine;

25 (b) chlorphentermine;

1 (c) clorpermine; and
 2 (d) phendimetrazine.
 3 ~~(2)~~ unless Depressants. Unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation which that contains any
 6 quantity of the following drugs substances having a
 7 potential--for--abuse--associated--with a depressant effect on
 8 the central nervous system:
 9 (a) any drug--which substance that contains any
 10 quantity of a derivative of barbituric acid or any salt of a
 11 derivative--of--barbituric--acid--except--those--drugs--which--are
 12 specifically listed in other schedules thereof;
 13 (b) chlorhexadol;
 14 (c) glutethimide;
 15 (d) lysergic acid;
 16 (e) lysergic acid amide;
 17 (f) methyprylon;
 18 ~~(g) phenacetin;~~
 19 ~~(g)~~ sulfondiethylmethane;
 20 ~~(h)~~ sulfonethylmethane; and
 21 ~~(i)~~ sulfonmethane;
 22 (j) any compounds, mixture, or preparation containing
 23 amobarbital, secobarbital, or pentobarbital or any salt of
 24 any of these drugs and one or more other active medicinal
 25 ingredients that are not listed in any schedule; and

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

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

3 (e) not more than 1.8 grams of dihydrocodeine ~~or any~~
4 ~~of its salts~~ per 100 milliliters or not more than 90
5 milligrams per dosage unit, with one or more active,
6 nonnarcotic ingredients in recognized therapeutic amounts;

7 (f) not more than 300 milligrams of ethylmorphine ~~or~~
8 ~~any of its salts~~ per 100 milliliters or not more than 15
9 milligrams per dosage unit, with one or more ~~active~~
10 ~~nonnarcotic~~ ingredients in recognized therapeutic amounts;

11 (g) not more than 500 milligrams of opium per 100
12 milliliters or per 100 grams, or not more than 25 milligrams
13 per dosage unit, with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts; or

15 (h) not more than 50 milligrams of morphine ~~or any of~~
16 ~~its salts~~ per 100 milliliters or per 100 grams, with one or
17 more active, nonnarcotic ingredients in recognized
18 therapeutic amounts."

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

20 "50-32-229. Specific dangerous drugs included in
21 Schedule IV. ~~The following dangerous drugs are included in~~
22 ~~Schedule IV.~~ Schedule IV consists of the drugs and other
23 substances, by whatever official, common, usual, chemical,
24 or brand name designated, listed in this section.

25 (1) Narcotic drugs, Unless specifically excepted or

1 listed in another schedule, any material, compound, mixture,
2 or preparation containing any of the following narcotic
3 drugs or its salts calculated as the free anhydrous base or
4 alkaloid in the following limited quantities:

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

8 (b) dextropropoxyphene (alpha-(1)-4-dimethylamino-
9 1,2-diphenyl-3-methyl-2-propionoxybutane);

10 (2) Depressants, Unless specifically excepted or
11 listed in another schedule, any material, compound, mixture,
12 or preparation which ~~that~~ contains any quantity of the
13 following drugs having a potential for abuse associated with
14 a ~~depressant~~ effect on the central nervous system
15 substances, including its salts, isomers, and salts of
16 isomers whenever the existence of such salts, isomers, and
17 salts of isomers is possible within the specific chemical
18 designation:

19 (a) alprazolam;

20 (b) barbital;

21 (c) chloral betaine;

22 (d) chloral hydrate;

23 (e) chlordiazepoxide;

24 (f) clenazepam (LONAZEPAM);

25 (g) clorazepate;

1 (b) diazepam;

2 (c) ethchlorvynol;

3 (d) ethinamate;

4 (e) flurazepam ELURAZEPAM;

5 (f) halazepam;

6 (g) lorazepam;

7 (h) mebutamate;

8 (i) methohexital;

9 (j) meprobamate;

10 (k) methylphenobarbital (mephobarbital);

11 (l) oxazepam;

12 (m) paraldehyde;

13 (n) petrichloral and

14 (o) phenobarbital;

15 (p) prazepam; and

16 (q) ismazepam;

17 (r) Fenfluramine. Any material, compound, mixture, or

18 preparation that contains any quantity of the following

19 substance, including its salts, isomers (whether optical,

20 position, or geometric), and salts of such isomers whenever

21 the existence of such salts, isomers, and salts of isomers

22 is possible:

23 (a) fenfluramine;

24 (b) 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, and salts of isomers:

4 (a) diethylpropion;

5 (b) mazindol;

6 (c) pemoline, including organometallic complexes and

7 chelates thereof;

8 (d) phentermine;

9 (e) pipradrol; and

10 (f) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

11 (g) Other substances, Unless specifically excepted or

12 listed in another schedule, any material, compound, mixture,

13 or preparation that contains any quantity of the following

14 substances, including its salts:

15 (a) pentazocine."

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

17 "50-32-232. Specific dangerous drugs included in

18 Schedule V. The following dangerous drugs are included in

19 Schedule V. Schedule V consists of the drugs and other

20 substances, by whatever official, common, usual, chemical,

21 or brand name designated, listed in this section.

22 (i) Narcotic drugs containing nonnarcotic active

23 medicinal ingredients, any Any compound, mixture, or

24 preparation containing limited quantities of any of the

25 following narcotic drugs which also contains or its salts

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

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

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

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

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

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

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

21 (2) Loperamide."

-End-

HOUSE BILL NO. 417

INTRODUCED BY METCALF, HAZELBAKER

BY REQUEST OF THE BOARD OF PHARMACISTS

A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE LIST OF CONTROLLED SUBSTANCES CONTAINED IN STATE LAW TO CONFORM WITH CONTROLLED SUBSTANCES LISTED IN THE CODE OF FEDERAL REGULATION, 1308.11-15; AMENDING SECTIONS 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, 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 are included in Schedule I.~~ Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates, unless specifically excepted or listed in another schedule, any of the following opiates, including their ~~its~~ isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, ~~unless specifically excepted,~~ whenever the existence of these such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetylmethadol_i(b) allylprodine_i(c) alphacetylmethadol_i(d) alphameprodine_i(e) alphamethadol_i(f) alpha-methylfentanyl(N-[1-(alpha-methyl-beta-phenylethyl-4-piperidyl)]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine;(g) benzethidine_i(h) betacetylmethadol_i(i) betameprodine_i(j) betamethadol_i(k) betaprodine_i(l) clonitazene_i(m) dextromoramide_i-dextrorphan_i(n) diampramide_i(o) diethylthiambutene_i(p) difenoxin;(q) dimenoxadol_i(r) dimepheptanol_i(s) dimethylthiambutene_i(t) dioxaphetyl butyrate_i(u) dipipanone_i(v) ethylmethylthiambutene_i(w) etonitazene_i

1 (x) etoxeridine*v*
 2 (y) furethidine*v*
 3 (z) hydroxypethidine*v*
 4 (aa) ketobemidone*v*
 5 (bb) levomoramide*v*
 6 (cc) levophenacymorphan*v*
 7 (dd) morpheridine*v*
 8 (ee) noracymethadol*v*
 9 (ff) norlevorphanol*v*
 10 (gg) normethadone*v*
 11 (hh) norpipanone*v*
 12 (ii) phenadoxone*v*
 13 (jj) phenampromide*v*
 14 (kk) phenomorphan*v*
 15 (ll) phenoperidine*v*
 16 (mm) piritramide*v*
 17 (nn) proheptazine*v*
 18 (oo) properidine*v*
 19 (pp) propirami
 20 (qq) racemoramide*v* and
 21 (rr) sufentanil
 22 (ss) tilidine*v* and
 23 (tt) trimeperidine*v*
 24 (2) Opium derivatives. Unless specifically excepted or
 25 listed in another schedule, any of the following opium

1 derivatives, their ~~its~~ salts, isomers, and salts of isomers
 2 unless ~~specifically~~ ~~excepted~~, whenever the existence of
 3 these ~~such~~ salts, isomers, and salts of isomers is possible
 4 within the specific chemical designation:

5 (a) acetorphine*v*
 6 (b) acetyldihydrocodeine*v*
 7 (c) benzylmorphine*v*
 8 (d) codeine methylbromide*v*
 9 (e) codeine-n-oxide*v*
 10 (f) cyprenorphine*v*
 11 (g) desomorphine*v*
 12 (h) dihydromorphine*v*
 13 (i) ~~droxeban~~
 14 (j) etorphine*v*
 15 (k) heroin*v*
 16 (l) hydromorphinol*v*
 17 (m) methyl-desorphine*v*
 18 (n) methyl-dihydromorphine*v*
 19 (o) morphine methylbromide*v*
 20 (p) morphine methylsulfonate*v*
 21 (q) morphine-n-oxide*v*
 22 (r) myrophine*v*
 23 (s) nicocodeine*v*
 24 (t) nicomorphine*v*
 25 (u) normorphine*v*

1 (v) pholcodine; pholcodine; and
 2 (w) thebaine;
 3 (3) Hallucinogenic substances. Unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation which ~~that~~ contains any
 6 quantity of the following hallucinogenic drug substances
 7 their ~~or any of its~~ salts, isomers, and salts of isomers
 8 ~~unless specifically~~ excepted, whenever the existence of
 9 these ~~such~~ salts, isomers, and salts of isomers is possible
 10 within the specific chemical designation:
 11 (a) 3,4-methylenedioxy amphetamine;
 12 (b) 5-methoxy-3,4-methylenedioxy amphetamine;
 13 (c) 3,4,5-trimethoxy amphetamine;
 14 (d) bufotenine;
 15 (e) diethyltryptamine;
 16 (f) dimethyltryptamine;
 17 (g) 4-methyl-~~-----1-2y-----5-dimethoxy~~amphetamine
 18 ~~4-methyl-2,5-dimethoxy-amphetamine~~
 19 (h) ibogaine;
 20 (i) lysergic acid diethylamide;
 21 (j) marihuana;
 22 (k) mescaline;
 23 (l) peyote;
 24 (m) n-ethyl-3-piperidyl benzilate;
 25 (n) n-methyl-3-piperidyl benzilate;

1 (o) psilocybin;
 2 (p) psilocyn;
 3 (q) tetrahydrocannabinol; and
 4 (r) 2,5-dimethoxyamphetamine;
 5 (s) ~~4-bromo-2,5-dimethoxy-amphetamine~~;
 6 (t) ~~4-methoxyamphetamine~~;
 7 (u) ~~ethylamine analog of phencyclidine~~;
 8 (v) ~~pyrrolidine analog of phencyclidine~~; and
 9 (w) ~~thiophene analog of phencyclidine~~.
 10 (4) Depressants. Unless specifically excepted or
 11 listed in another schedule, any material, compound, mixture,
 12 or preparation that contains any quantity of the following
 13 substance having a depressant effect on the central nervous
 14 system, including its salts, isomers, and salts of isomers
 15 whenever the existence of such salts, isomers, and salts of
 16 isomers is possible within the specific chemical
 17 designations:
 18 (a) meclizolone;
 19 (5) Stimulants. Unless specifically excepted or listed
 20 in another schedule, any material, compound, mixture, or
 21 preparation that contains any quantity of the following
 22 substances having a stimulant effect on the central nervous
 23 system, including its salts, isomers, and salts of isomers:
 24 (a) fenethylamine; and
 25 (b) n-ethylamphetamine;

1 ~~(6) For purposes of subsection (3) only, the term~~
 2 ~~"isomer" includes the optical, position, and geometric~~
 3 ~~isomers.~~

4 (I) If prescription or administration is authorized by
 5 the Federal Food, Drug and Cosmetic Act, then any material,
 6 compound, mixture, or preparation containing
 7 tetrahydrocannabinols listed in subsection (3) shall
 8 automatically be rescheduled from Schedule I to Schedule
 9 II."

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

11 "50-32-224. Specific dangerous drugs included in
 12 ~~Schedule II. The dangerous drugs listed in this section are~~
 13 ~~included in Schedule II. Schedule II consists of the drugs~~
 14 ~~and other substances, by whatever official, common, usual,~~
 15 ~~chemical, or brand name designated, listed in this section.~~

16 (1) Substances, vegetable origin or chemical
 17 synthesis. Unless specifically excepted or listed in another
 18 schedule, any of the following drugs, except those narcotic
 19 drugs listed in other schedules, substances, whether
 20 produced directly or indirectly by extraction from
 21 substances of vegetable origin, independently by means of
 22 chemical synthesis, or by a combination of extraction and
 23 chemical synthesis:

24 (a) opium and opiate and any salt, compound,
 25 derivative, or preparation of opium or opiate, excluding

1 apomorphine, dextrorphan, nalbuphine, naloxone, and
 2 naltrexone and their respective salts, but including the
 3 following:

- 4 (i) raw opium;
- 5 (ii) opium extracts;
- 6 (iii) opium fluid extracts;
- 7 (iv) powdered opium;
- 8 (v) granulated opium;
- 9 (vi) tincture of opium;
- 10 (vii) codeine;
- 11 (viii) ethylmorphine;
- 12 (ix) etorphine hydrochloride;
- 13 (x) hydrocodone;
- 14 (xi) hydromorphone;
- 15 (xii) meperoni;
- 16 (xiii) morphine;
- 17 (xiv) oxycodone;
- 18 (xv) oxymorphone; and
- 19 (xvi) thebaine;

20 (b) any salt, compound, isomer, derivative, or
 21 preparation thereof ~~which that~~ is chemically equivalent or
 22 identical with any of the drug substances referred to in
 23 subsection (1)(a) of this section, ~~but not including~~ except
 24 that these substances do not include the isoquinoline
 25 alkaloids of opium;

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

1 (g) isomethadone;
 2 (h) levomethorphan;
 3 (i) levorphanol;
 4 (j) metazocine;
 5 (k) methadone;
 6 (l) methadone-intermediate₁;
 7 (m) 4-cyano-2-dimethylamino-4₁;
 8 (n) 4-diphenyl butane;
 9 (o)(m) moramide-intermediate₁;
 10 (p) 2-methyl-3-morpholino-1₁;
 11 (q) 1-diphenylpropane-carboxylic acid;
 12 (r)(n) pethidine (meperidine);
 13 (s)(o) pethidine-intermediate-A₁;
 14 (t) 4-cyano-1-methyl-4-phenylpiperidine;
 15 (u)(o) pethidine-intermediate-B₁;
 16 (v) ethyl-4-phenylpiperidine-4-carboxylate;
 17 (w)(o) pethidine-intermediate-C₁;
 18 (x) 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 19 (y)(r) phenazocine;
 20 (z)(s) piminodine;
 21 (aa)(t) racemethorphan; and
 22 (bb)(u) racemorphan; and
 23 (v) bulk dextropropoxyphene (non-dosage forms).
 24 (3) Stimulants. Unless specifically excepted or listed
 25 in another schedule, any material, compound, mixture, or

1 preparation which that contains any quantity of the
2 following drugs substances having a potential--for--abuse
3 associated--with--a stimulant effect on the central nervous
4 system:

5 (a) amphetamine, its salts, optical isomers, and salts
6 of its optical isomers;

7 (b) phenmetrazine and its salts;

8 (c) any--drug--which--contains--any--quantity--of
9 methamphetamine, including its salts, isomers, and salts of
10 its isomers; and

11 (d) methylphenidate.

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

20 (a) amobarbital;

21 (b) methaqualone;

22 (c) pentobarbital;

23 (d) phencyclidine; and

24 (e) secobarbital.

25 (5) Immediate precursors. Unless specifically excepted

1 or listed in another schedule, any material, compound,
2 mixture, or preparation that contains any quantity of the
3 following substances:

4 (a) immediate precursor to amphetamine and
5 methamphetamine;

6 (i) phenylacetone;

7 (b) immediate precursors to phencyclidine (PCP):

8 (i) 1-phenylcyclohexylamine; and

9 (ii) 1-piperidinocyclohexanecarbonitrile (PCCl)."

10 Section 3. Section 50-32-226, MCA, is amended to read:

11 "50-32-226. Specific dangerous drugs included in
12 Schedule III. ~~The dangerous drugs listed in this section are~~
13 ~~included in Schedule III.~~ Schedule III consists of the drugs
14 and other substances, by whatever official, common, usual,
15 chemical, or brand name designated, listed in this section:

16 (1) Stimulants. 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 stimulant effect on the central nervous
20 system, including its salts, isomers, (whether optical,
21 position, or geometric), and salts of such isomers whenever
22 the existence of such salts, isomers, and salts of isomers
23 is possible within the specific chemical designation:

24 (a) benzphetamine;

25 (b) chlorphentermine;

1 (c) ~~clortermine; and~~
 2 (d) ~~pheendimetrazine.~~
 3 ~~†††(2) unless Depressants. Unless specifically~~
 4 ~~excepted or listed in another schedule, any material,~~
 5 ~~compound, mixture, or preparation which that contains any~~
 6 ~~quantity of the following drugs substances having a~~
 7 ~~potential--for--abuse--associated--with a depressant effect on~~
 8 ~~the central nervous system:~~
 9 (a) ~~any drug--which substance that contains any~~
 10 ~~quantity of a derivative of barbituric acid or any salt of a~~
 11 ~~derivative--of--barbituric--acid,--except--those--drugs--which--are~~
 12 ~~specifically--listed--in--other--schedules thereof;~~
 13 (b) chlorhexadol;
 14 (c) glutethimide;
 15 (d) lysergic acid;
 16 (e) lysergic acid amide;
 17 (f) methyprylon;
 18 ~~†††(g) phencyclidine;~~
 19 ~~†††(g) sulfondiethylmethane;~~
 20 ~~†††(h) sulfonethylmethane; and~~
 21 ~~†††(i) sulfonmethane;~~
 22 ~~(j) any compound, mixture, or preparation containing~~
 23 ~~amobarbital, secobarbital, or pentobarbital or any salt of~~
 24 ~~any of these drugs and one or more other active medicinal~~
 25 ~~ingredients that are not listed in any schedule; and~~

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

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

3 (e) not more than 1.8 grams of dihydrocodeine ~~or any~~
 4 ~~of its salts~~ per 100 milliliters or not more than 90
 5 milligrams per dosage unit, with one or more active,
 6 nonnarcotic ingredients in recognized therapeutic amounts;

7 (f) not more than 300 milligrams of ethylmorphine ~~or~~
 8 ~~any of its salts~~ per 100 milliliters or not more than 15
 9 milligrams per dosage unit, with one or more active
 10 nonnarcotic ingredients in recognized therapeutic amounts;

11 (g) not more than 500 milligrams of opium per 100
 12 milliliters or per 100 grams, or not more than 25 milligrams
 13 per dosage unit, with one or more active, nonnarcotic
 14 ingredients in recognized therapeutic amounts; or

15 (h) not more than 50 milligrams of morphine ~~or any of~~
 16 ~~its salts~~ per 100 milliliters or per 100 grams, with one or
 17 more active, nonnarcotic ingredients in recognized
 18 therapeutic amounts."

19 Section 4. Section 50-32-229, MCA, is amended to read:
 20 "50-32-229. Specific dangerous drugs included in
 21 Schedule IV. ~~The following dangerous drugs are included in~~
 22 Schedule IV. Schedule IV consists of the drugs and other
 23 substances, by whatever official, common, usual, chemical,
 24 or brand name designated, listed in this section.

25 (1) Narcotic drugs, unless specifically excepted or

1 listed in another schedule, any material, compound, mixture,
 2 or preparation containing any of the following narcotic
 3 drugs or its salts calculated as the free anhydrous base or
 4 alkaloid in the following limited quantities:

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

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

10 (2) Depressants, unless specifically excepted or
 11 listed in another schedule, any material, compound, mixture,
 12 or preparation which that contains any quantity of the
 13 following drugs having a potential for abuse associated with
 14 a depressant effect on the central nervous system
 15 substances, including its salts, isomers, and salts of
 16 isomers whenever the existence of such salts, isomers, and
 17 salts of isomers is possible within the specific chemical
 18 designation:

19 (a) alprazolam;

20 (b) barbital;

21 (c) chloral betaine;

22 (d) chloral hydrate;

23 (e) chlordiazepoxide;

24 (f) clenazepam (LONAZEPAM);

25 (g) clorazepate;

1 (b) diazepam;

2 (c) ethchlorvynol;

3 (d) ethinamate;

4 (k) flurozepan FLURAZEPAM;

5 (l) halazepam;

6 (m) lorazepam;

7 (n) mebutamate;

8 (o) methohexital;

9 (p) meprobamate;

10 (q) methylphenobarbital, (mephobarbital);

11 (r) oxazepam;

12 (s) paraldehyde;

13 (t) petrichloral; and

14 (u) phenobarbital;

15 (v) prazepam; and

16 (w) temazepam.

17 (3) Fenfluramine. Any material, compound, mixture, or

18 preparation that contains any quantity of the following

19 substance, including its salts, isomers (whether optical,

20 position, or geometric), and salts of such isomers whenever

21 the existence of such salts, isomers, and salts of isomers

22 is possible:

23 (a) fenfluramine.

24 (4) 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, and salts of isomers:

4 (a) diethylpropion;

5 (b) mazindol;

6 (c) pemoline, including organometallic complexes and

7 chelates thereof;

8 (d) phentermine;

9 (e) pipradrol; and

10 (f) SPA 11-1-1-dimethylamino-1,2-diphenylethane.

11 (5) Other substances. Unless specifically excepted or

12 listed in another schedule, any material, compound, mixture,

13 or preparation that contains any quantity of the following

14 substances, including its salts:

15 (a) pentazocine."

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

17 "50-32-232. Specific dangerous drugs included in

18 Schedule V. ~~The following dangerous drugs are included in~~

19 ~~Schedule V.~~ Schedule V consists of the drugs and other

20 substances, by whatever official, common, usual, chemical,

21 or brand name designated, listed in this section.

22 (1) Narcotic drugs containing nonnarcotic active

23 medicinal ingredients, any any compound, mixture, or

24 preparation containing limited quantities of any of the

25 following narcotic drugs which also contains or its salts

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

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

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

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

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

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

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

21 ~~(2) Loperamide."~~

-End-

1 HOUSE BILL NO. 417

2 INTRODUCED BY METCALF, HAZELBAKER

3 BY REQUEST OF THE BOARD OF PHARMACISTS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT UPDATING THE LIST OF
6 CONTROLLED SUBSTANCES CONTAINED IN STATE LAW TO CONFORM WITH
7 CONTROLLED SUBSTANCES LISTED IN THE CODE OF FEDERAL
8 REGULATION, 1308.11-15; AMENDING SECTIONS 50-32-222,
9 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, 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, ~~the dangerous drugs listed in this section are~~
15 ~~included in Schedule I. Schedule I consists of the drugs and~~
16 ~~other substances, by whatever official, common, usual,~~
17 ~~chemical, or brand name designated, listed in this section.~~

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

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

1 (x) etoxeridine*i*
 2 (y) furethidine*i*
 3 (z) hydroxypethidine*i*
 4 (aa) ketobemidone*i*
 5 (bb) levomoramide*i*
 6 (cc) levophenacylmorphane*i*
 7 (dd) morpheridine*i*
 8 (ee) noracymethadol*i*
 9 (ff) norlevorphanol*i*
 10 (gg) normethadone*i*
 11 (hh) norpipanone*i*
 12 (ii) phenadoxone*i*
 13 (jj) phenampromide*i*
 14 (kk) phenomorphan*i*
 15 (ll) phenoperidine*i*
 16 (mm) piritramide*i*
 17 (nn) proheptazine*i*
 18 (oo) properidine*i*
 19 (pp) propiram*i*
 20 (qq) racemoramide*v*-end*i*
 21 (rr) sufentanil*i*
 22 (ss) tilidine*i* and
 23 (tt) trimeperidine*i*
 24 (2) Other derivatives. Unless specifically excepted or
 25 listed in another schedule, any of the following opium

1 derivatives, ~~their~~ its salts, isomers, and salts of isomers,
 2 ~~unless--specifically--excepted~~ whenever the existence of
 3 these ~~such~~ salts, isomers, and salts of isomers is possible
 4 within the specific chemical designation:

5 (a) acetorphine*i*
 6 (b) acetyldihydrocodeine*i*
 7 (c) benzylmorphine*i*
 8 (d) codeine methylbromide*i*
 9 (e) codeine-n-oxide*i*
 10 (f) cyprenorphine*i*
 11 (g) desomorphine*i*
 12 (h) dihydromorphine*i*
 13 ~~(i) drotabanol*i*~~
 14 (j) etorphine*i*
 15 (k) heroin*i*
 16 (l) hydromorphanol*i*
 17 (m) methyl-desorphine*i*
 18 (n) methyldihydromorphine*i*
 19 (o) morphine methylbromide*i*
 20 (p) morphine methylsulfonate*i*
 21 (q) morphine-n-oxide*i*
 22 (r) nyrophine*i*
 23 (s) nicocodeine*i*
 24 (t) nicomorphine*i*
 25 (u) normorphine*i*

1 (v) pholcodine; pholcodine; and
 2 (w) thebaine;
 3 (3) Hallucinogenic substances, unless specifically
 4 excepted or listed in another schedule, any material,
 5 compound, mixture, or preparation which ~~that~~ contains any
 6 quantity of the following hallucinogenic ~~drugs~~ substances
 7 their or any of its salts, isomers, and salts of isomers
 8 ~~unless specifically excepted,~~ whenever the existence of
 9 these ~~such~~ salts, isomers, and salts of isomers is possible
 10 within the specific chemical designation:
 11 (a) 3,4-methylenedioxy amphetamine;
 12 (b) 5-methoxy-3,4-methylenedioxy amphetamine;
 13 (c) 3,4,5-trimethoxy amphetamine;
 14 (d) bufotenine;
 15 (e) diethyltryptamine;
 16 (f) dimethyltryptamine;
 17 (g) 4-methyl-~~-----1-2,-----5-dimethoxy~~amphetamine
 18 4-methyl-2,5-dimethoxyamphetamine;
 19 (h) ibogaine;
 20 (i) lysergic acid diethylamide;
 21 (j) marihuana;
 22 (k) mescaline;
 23 (l) peyote;
 24 (m) n-ethyl-3-piperidyl benzilate;
 25 (n) n-methyl-3-piperidyl benzilate;

1 (q) psilocybin;
 2 (r) psilocyn;
 3 (s) tetrahydrocannabinol; and
 4 (t) 2,5-dimethoxyamphetamine;
 5 (u) 4-bromo-2,5-dimethoxyamphetamine;
 6 (v) 4-methoxyamphetamine;
 7 (w) ethylamine analog of phencyclidine;
 8 (x) pyrrolidine analog of phencyclidine; and
 9 (y) thiophene analog of phencyclidine.
 10 (4) Depressants, unless specifically excepted or
 11 listed in another schedule, any material, compound, mixture,
 12 or preparation that contains any quantity of the following
 13 substance having a depressant effect on the central nervous
 14 system, including its salts, isomers, and salts of isomers
 15 whenever the existence of such salts, isomers, and salts of
 16 isomers is possible within the specific chemical
 17 designation:
 18 (a) mecloqualone;
 19 (5) Stimulants, unless specifically excepted or listed
 20 in another schedule, any material, compound, mixture, or
 21 preparation that contains any quantity of the following
 22 substances having a stimulant effect on the central nervous
 23 system, including its salts, isomers, and salts of isomers:
 24 (a) fenethylline; and
 25 (b) n-ethylamphetamine.

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

4 (7) If prescription or administration is authorized by
5 the Federal Food, Drug and Cosmetic Act, then any material,
6 compound, mixture, or preparation containing
7 tetrahydrocannabinols listed in subsection (3) shall
8 automatically be rescheduled from Schedule I to Schedule
9 II."

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

11 "50-32-224. Specific dangerous drugs included in
12 Schedule II. ~~The dangerous drugs listed in this section are~~
13 ~~included in Schedule II.~~ Schedule II consists of the drugs
14 and other substances, by whatever official, common, usual,
15 chemical, or brand name designated, listed in this section.

16 (1) Substances, vegetable origin or chemical
17 synthesis, unless specifically excepted or listed in another
18 schedule, any of the following drugs, ~~except these narcotic~~
19 ~~drugs listed in other schedules,~~ substances, whether
20 produced directly or indirectly by extraction from
21 substances of vegetable origin, independently by means of
22 chemical synthesis, or by a combination of extraction and
23 chemical synthesis:

24 (a) opium and opiate and any salt, compound,
25 derivative, or preparation of opium or opiate, excluding

1 apomorphine, dextrorphan, galbupbine, naloxone, and
2 naltrexone and their respective salts, but including the
3 following:

- 4 (i) raw opium;
- 5 (ii) opium extracts;
- 6 (iii) opium fluid extracts;
- 7 (iv) powdered opium;
- 8 (v) granulated opium;
- 9 (vi) tincture of opium;
- 10 (vii) codeine;
- 11 (viii) ethylmorphine;
- 12 (ix) etorphine hydrochloride;
- 13 (x) hydrocodone;
- 14 (xi) hydromorphone;
- 15 (xii) meperone;
- 16 (xiii) morphine;
- 17 (xiv) oxycodone;
- 18 (xv) oxymorphone; and
- 19 (xvi) thebaine;

20 (b) any salt, compound, isomery derivative, or
21 preparation thereof which ~~that~~ is chemically equivalent or
22 identical with any of the drugs substances referred to in
23 subsection (1)(a) of this section, but ~~not including~~ ~~except~~
24 ~~that~~ these substances do not include the isoquinoline
25 alkaloids of opium;

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

1 (g) isomethadone;
 2 (h) levomethorphan;
 3 (i) levorphanol;
 4 (j) metazocine;
 5 (k) methadone;
 6 (l) methadone-intermediate₁
 7 (m) 4-cyano-2-dimethylamino-4₁
 8 (n) 4-diphenyl butane;
 9 (o) ~~(m)~~ moramide-intermediate₁
 10 (p) 2-methyl-3-morpholino-1₁
 11 (q) 1-diphenylpropane-carboxylic acid;
 12 (r) ~~(n)~~ pethidine (meperidine);
 13 (s) ~~(o)~~ pethidine-intermediate-A₁
 14 (t) 4-cyano-1-methyl-4-phenylpiperidine;
 15 (u) ~~(p)~~ pethidine-intermediate-B₁
 16 (v) ethyl-4-phenylpiperidine-4-carboxylate;
 17 (w) ~~(q)~~ pethidine-intermediate-C₁
 18 (x) 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 19 (y) ~~(r)~~ phenazocine;
 20 (z) ~~(s)~~ piminodine;
 21 (aa) ~~(t)~~ racemethorphan; and
 22 (bb) ~~(u)~~ racemorphan; and
 23 (vi) ~~bulk dextropropoxyphene (non-dosage forms).~~
 24 (3) ~~Stimulants. Unless specifically excepted or listed~~
 25 ~~in another schedule,~~ any material, compound, mixture, or

1 preparation which ~~that~~ contains any quantity of the
 2 following drugs ~~substances~~ having a ~~potential--for--abuse~~
 3 ~~associated--with--a~~ stimulant effect on the central nervous
 4 system:

- 5 (a) amphetamine, its salts, optical isomers, and salts
- 6 of its optical isomers;
- 7 (b) phenmetrazine and its salts;
- 8 (c) ~~any--drug--which--contains--any--quantity--of~~
 9 methamphetamine, including its salts, isomers, and salts of
 10 its isomers; and
- 11 (d) methylphenidate.

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

- 20 (a) amobarbital;
- 21 (b) methaqualone;
- 22 (c) pentobarbital;
- 23 (d) phencyclidine; and
- 24 (e) secobarbital;
- 25 (5) Immediate precursors, unless specifically excepted

1 ~~or listed in another schedule, any material, compound,~~
 2 ~~mixture, or preparation that contains any quantity of the~~
 3 ~~following substances:~~

- 4 (a) ~~immediate precursor to amphetamine and~~
 5 ~~methamphetamine;~~
- 6 (i) ~~phenylacetone;~~
- 7 (b) ~~immediate precursors to phencyclidine (PCP);~~
- 8 (i) ~~1-phenylcyclohexylamine; and~~
- 9 (ii) ~~1-piperidinocyclohexanecarbonitrile (PCC).~~"

10 Section 3. Section 50-32-226, MCA, is amended to read:
 11 "50-32-226. Specific dangerous drugs included in
 12 Schedule III. ~~The dangerous drugs listed in this section are~~
 13 ~~included in Schedule III. Schedule III consists of the drugs~~
 14 ~~and other substances, by whatever official, common, usual,~~
 15 ~~chemical, or brand name designated, listed in this section.~~

16 (1) Stimulants. 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 stimulant effect on the central nervous
 20 system, including its salts, isomers (whether optical,
 21 position, or geometric), and salts of such isomers whenever
 22 the existence of such salts, isomers, and salts of isomers
 23 is possible within the specific chemical designation:

- 24 (a) benzphetamine;
- 25 (b) chlorphentermine;

1 (c) ~~clortermine; and~~
 2 (d) ~~phendimetrazine.~~
 3 ~~†††(2) unless Depressants. Unless specifically~~
 4 ~~excepted or listed in another schedule, any material,~~
 5 ~~compound, mixture, or preparation which that contains any~~
 6 ~~quantity of the following drugs substances having a~~
 7 ~~potential--for--abuse--associated--with a depressant effect on~~
 8 ~~the central nervous system:~~
 9 (a) ~~any drug--which substance that contains any~~
 10 ~~quantity of a derivative of barbituric acid or any salt of a~~
 11 ~~derivative--of--barbituric--acid--except--those--drugs--which--are~~
 12 ~~specifically--listed--in--other--schedules thereof;~~
 13 (b) chlorhexadol;
 14 (c) glutethimide;
 15 (d) lysergic acid;
 16 (e) lysergic acid amide;
 17 (f) methyprylon;
 18 ~~†††(g) phenyletidine;~~
 19 ~~†††(h) sulfondiethylmethane;~~
 20 ~~†††(i) sulfonethylmethane; and~~
 21 ~~†††(l) sulfonmethane;~~
 22 (j) ~~any compound, mixture, or preparation containing~~
 23 ~~amobarbital, secobarbital, or pentobarbital or any salt of~~
 24 ~~any of these drugs and one or more other active medicinal~~
 25 ~~ingredients that are not listed in any schedule; and~~

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

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

3 (e) not more than 1.8 grams of dihydrocodeine or any
4 of its salts per 100 milliliters or not more than 90

5 milligrams per dosage unit, with one or more active,
6 nonnarcotic ingredients in recognized therapeutic amounts;

7 (f) not more than 300 milligrams of ethylmorphine or
8 any of its salts per 100 milliliters or not more than 15

9 milligrams per dosage unit, with one or more active
10 nonnarcotic ingredients in recognized therapeutic amounts;

11 (g) not more than 500 milligrams of opium per 100
12 milliliters or per 100 grams, or not more than 25 milligrams

13 per dosage unit, with one or more active, nonnarcotic
14 ingredients in recognized therapeutic amounts; or

15 (h) not more than 50 milligrams of morphine or any of
16 its salts per 100 milliliters or per 100 grams, with one or

17 more active, nonnarcotic ingredients in recognized
18 therapeutic amounts."

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

20 "50-32-229. Specific dangerous drugs included in
21 Schedule IV. ~~The following dangerous drugs are included in~~
22 Schedule IV. Schedule IV consists of the drugs and other
23 substances, by whatever official, common, usual, chemical,
24 or brand name designated, listed in this section.

25 (1) Narcotic drugs, unless specifically excepted or

1 listed in another schedule, any material, compound, mixture,
2 or preparation containing any of the following narcotic
3 drugs or its salts, calculated as the free anhydrous base, or
4 alkaloid in the following limited quantities:

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

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

10 (2) Depressants, unless specifically excepted or
11 listed in another schedule, any material, compound, mixture,
12 or preparation which that contains any quantity of the
13 following drugs having a potential for abuse associated with
14 a depressant effect on the central nervous system
15 substances, including its salts, isomers, and salts of
16 isomers whenever the existence of such salts, isomers, and
17 salts of isomers is possible within the specific chemical
18 designation:

19 (a) alprazolam;

20 (b) barbital;

21 (c) chloral betaine;

22 (d) chloral hydrate;

23 (e) chlordiazepoxide;

24 (f) clozapem (LONAZEPAM);

25 (g) clorazepate;

1 (b) diazepam;

2 (i) ethchlorvynol;

3 (j) ethinamate;

4 (k) flurozepan ELURAZEPAM;

5 (l) halazepam;

6 (m) lorazepam;

7 (n) mebutamate;

8 (o) methohexital;

9 (p) meprobamate;

10 (q) methylphenobarbital (mephobarbital);

11 (r) oxazepam;

12 (s) paraldehyde;

13 (t) petrichloral; and

14 (u) phenobarbital;

15 (v) prazepam; and

16 (w) temazepam.

17 (3) Fenfluramine. Any material, compound, mixture, or

18 preparation that contains any quantity of the following

19 substances, including its salts, isomers (whether optical,

20 position, or geometric), and salts of such isomers whenever

21 the existence of such salts, isomers, and salts of isomers

22 is possible:

23 (a) fenfluramine.

24 (4) 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, and salts of isomers:

4 (a) diethylpropion;

5 (b) mazindol;

6 (c) pemoline, including organometallic complexes and

7 chelates thereof;

8 (d) phentermine;

9 (e) pipradrol; and

10 (f) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

11 (5) Other substances. Unless specifically excepted or

12 listed in another schedule, any material, compound, mixture,

13 or preparation that contains any quantity of the following

14 substances, including its salts:

15 (a) pentazocine.*

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

17 *50-32-232. Specific dangerous drugs included in

18 Schedule V. The following dangerous drugs are included in

19 Schedule V. Schedule V consists of the drugs and other

20 substances, by whatever official, common, usual, chemical,

21 or brand name designated, listed in this section.

22 (1) Narcotic drugs containing nonnarcotic active

23 medicinal ingredients, any Any compound, mixture, or

24 preparation containing limited quantities of any of the

25 following narcotic drugs which also contains or its salts

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

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

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

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

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

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

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

21 ~~(2) loperamide.*~~

-End-