1	SENATE BILL NO. 8
2	INTRODUCED BY HARGROVE
3	BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING EPHEDRINE IN THE SCHEDULE IV LIST OF
6	DANGEROUS DRUGS; AND AMENDING SECTION 50-32-229, MCA."
7	
8	WHEREAS, the Legislature finds it appropriate to address the availability and sale of "look-alike"
9	or "act-alike" drugs, which are over-the-counter substances that both look and act like illegal stimulants;
10	and
11	WHEREAS, the Legislature considers "look-alike" or "act-alike" drugs to be dangerous because
12	those drugs not only have an effect on the body similar to illegal stimulants, such as amphetamines, but
13	they are relatively inexpensive and readily available for purchase by anyone of any age; and
14	WHEREAS, ephedrine is an over-the-counter stimulant drug sold primarily in convenience stores and
15	truck stops as a bronchodilator in the treatment of asthma, but it is also a drug with a history of abuse and
16	growing misuse among young people; and
17	WHEREAS, ephedrine is the primary ingredient in the illicit manufacture of a Schedule II prescription
1 8,	drug, methamphetamine, and an illegal and highly addictive drug, methcathinone; and
19	WHEREAS, the Legislature finds it appropriate to place single entity ephedrine products in the
20	schedule of dangerous drugs to limit their sale to legitimate, medically related prescription sale only.
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22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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24	Section 1. Section 50-32-229, MCA, is amended to read:
25	"50-32-229. Specific dangerous drugs included in Schedule IV. Schedule IV consists of the drugs
26	and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in
27	this section.
28	(1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material,
29	compound, mixture, or preparation containing any of the following narcotic drugs or its salts calculated as
30	the free anhydrous base or alkaloid in the following limited quantities:



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1	(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per
2	dosage unit; and
3	(b) dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).
4	(2) Depressants. Unless specifically excepted or listed in another schedule, any material,
5	compound, mixture, or preparation that contains any quantity of the following substances, including its
6	salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
7	possible within the specific chemical designation:
8	(a) alprazolam;
9	(b) barbital;
10	(c) bromazepam;
11	(d) camazepam;
12	(e) chloral betaine;
13	(f) chloral hydrate;
14	(g) chlordiazepoxide;
15	(h) clobazam;
16	(i) clonazepam;
17	(j) clorazepate;
18	(k) clotiazepam;
19	(I) cloxazolam;
20	(m) delorazepam;
21	(n) diazepam;
22	(o) estazolam;
23	(p) ethchlorvynol;
24	(q) ethinamate;
25	(r) ethyl loflazepate;
26	(s) fludiazepam;
27	(t) flunitrazepam;
28	(u) flurazepam;
29	(v) halazepam;
30	(w) haloxazolam;



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1	(x) ketazolam;
2	(y) loprazolam;
3	(z) lorazepam;
4	(aa) lormetazepam;
5	(bb) mebutamate;
6	(cc) medazepam;
7	(dd) meprobamate;
8	(ee) methohexital;
9	(ff) methylphenobarbital (mephobarbital);
10	(gg) midazolam;
11	(hh) nimetazepam;
12	(ii) nitrazepam;
13	(jj) nordiazepam;
14	(kk) oxazepam;
15	(II) oxazolam;
16	(mm) paraldehyde;
17	(nn) petrichloral;
18.	(oo) phenobarbital;
19	(pp) pinazepam;
20	(qq) prazepam;
21	(rr) quazepam;
22	(ss) temazepam;
23	(tt) tetrazepam; and
24	(uu) triazolam.
25	(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of
26	the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of
27	such isomers whenever the existence of such salts, isomers, and salts of isomers is possible:
28	(a) fenfluramine.
29	(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,

30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on



1 the central nervous system, including its salts, isomers, and salts of isomers: 2 (a) cathine; 3 (b) diethylpropion; 4 (c) fencamfamin; (d) fenproporex; 5 6 (e) mazindol; 7 (f) mefenorex; 8 (g) pemoline, including organometallic complexes and chelates thereof; 9 (h) phentermine; 10 (i) pipradrol; and 11 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane). 12 (5) Ephedrine. Any material, compound, mixture, or preparation that contains any guantity of the 13 following substance having a stimulant effect on the central nervous system, including its salts, 14 enantiomers (optical isomers), and salts of enantiomers (optical isomers): 15 (a) ephedrine as the only active medicinal ingredient or in combination with therapeutically 16 insignificant quantities of another active medicinal ingredient. 17 (6) Other substances. Unless specifically excepted or listed in another schedule, any material, 18 compound, mixture, or preparation that contains any quantity of the following substances, including its 19 salts: 20 (a) pentazocine."

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STATE OF MONTANA - FISCAL NOTE

Fiscal Note for <u>SB0008</u>, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to include ephedrine in the schedule IV list of dangerous drugs.

ASSUMPTIONS:

- 1. Currently the Department of Justice Division of Forensic Science is analyzing approximately 225 cases annually in the Chemistry Section and 150 cases annually in the Toxicology Section. Because ephedrine currently is not a scheduled dangerous drug when it is identified there is no requirement for further analysis.
- 2. With the passage of this bill, ephedrine will become a controlled substance and quantitation in the Toxicology Section will be required on all cases to determine influence or impairment. A chirali analysis will be required to differentiate ephedrine from pseudoephedrine.
- 3. The same number of cases will be submitted to the laboratory annually.
 - a) Chemistry: 225 cases annually, 1.5 hour of staff time per sample x 225 samples = 338 staff hours.
 - b) Toxicology: 150 cases annually, 4 hours of staff time per sample (this includes quantitation and chirali analysis time) x 150 samples = 600 hours.
 - c) Total staff hours 938. (This would require 0.50 FTE, forensic scientist, grade 17.)
 - d) Total for chemical reagents and glassware for both Chemistry and Toxicology \$5,625 (operating costs each year).

FISCAL IMPACT:

	FY98	FY99
Expenditures:	Difference	Difference
FTE	0.50	0.50
Personal Services	20,289	20,289
Operating Expense	5,625	5,625
Total	25,914	25,914
<u>Funding:</u>		
General Fund (01)	25,914	25,914
Net Impact on Fund Balance:	(Revenue minus Expenses)	
General Fund (01)	(25,914)	(25,914)

DAVE LEWIS, BUDGET DIRE CTOR

Office of Budget and Program Planning

DON HARGROVE, PRIMARY SPONSOR DATE

Fiscal Note for <u>SB0008</u>, as introduced

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APPROVED BY COM ON PUBLIC HEALTH, WELFARE & SAFETY

1	SENATE BILL NO. 8
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6	DANGEROUS DRUGS; AND AMENDING SECTION 50-32-229, MCA."
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8	WHEREAS, the Legislature finds it appropriate to address the availability and sale of "look-alike"
9	or "act-alike" drugs, which are over-the-counter substances that both look and act like illegal stimulants;
10	and
11	WHEREAS, the Legislature considers "look-alike" or "act-alike" drugs to be dangerous because
12	those drugs not only have an effect on the body similar to illegal stimulants, such as amphetamines, but
13	they are relatively inexpensive and readily available for purchase by anyone of any age; and
14	WHEREAS, ephedrine is an over-the-counter stimulant drug sold primarily in convenience stores and
15	truck stops as a bronchodilator in the treatment of asthma, but it is also a drug with a history of abuse and
16	growing misuse among young people; and
17	WHEREAS, ephedrine is the primary ingredient in the illicit manufacture of a Schedule II prescription
18	drug, methamphetamine, and an illegal and highly addictive drug, methcathinone; and
19	WHEREAS, the Legislature finds it appropriate to place single entity ephedrine products in the
20	schedule of dangerous drugs to limit their sale to legitimate, medically related prescription sale only.
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22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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25	"50-32-229. Specific dangerous drugs included in Schedule IV. Schedule IV consists of the drugs
26	and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in
27	this section.
28	(1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material,
29	compound, mixture, or preparation containing any of the following narcotic drugs or its salts calculated as
30	the free anhydrous base or alkaloid in the following limited quantities:

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1	(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per	a 25 micrograms of atropine sulfate per
2	dosage unit; and	
3	(b) dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)	phenyl-3-methyl-2-propionoxybutane).
4	(2) Depressants. Unless specifically excepted or listed in another schedule, any material	in another schedule, any material,
5	compound, mixture, or preparation that contains any quantity of the following substances, including its	the following substances, including its
6	alts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is	n salts, isomers, and salts of isomers is
7	possible within the specific chemical designation:	
8	(a) alprazolam;	
9	(b) barbital;	
10	(c) bromazepam;	
11	(d) camazepam;	
12	(e) chloral betaine;	
13	(f) chloral hydrate;	
14	(g) chlordiazepoxide;	
15	(h) clobazam;	
16	(i) clonazepam;	
17	(j) clorazepate;	
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21	(n) diazepam;	
22	(o) estazolam;	
23	(p) ethchlorvynol;	
24	(q) ethinamate;	
25	(r) ethyl loflazepate;	
26	(s) fludiazepam;	
27	(t) flunitrazepam;	
28	(u) flurazepam;	
2 9	(v) halazepam;	
30	(w) haloxazolam;	



1	(x) ketazolam;
2	(y) loprazolam;
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22	(ss) temazepam;
23	(tt) tetrazepam; and
24	(uu) triazolam.
25	(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of
26	the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of
27	such isomers whenever the existence of such salts, isomers, and salts of isomers is possible:
28	(a) fenfluramine.
2 9	(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
30	mixture, or preparation that contains any quantity of the following substances having a stimulant effect on

the central nervous system, including its salts, isomers, and salts of isomers: 1 2 (a) cathine: 3 (b) diethylpropion; 4 (c) fencamfamin; (d) fenproporex; 5 6 (e) mazindol; 7 (f) mefenorex; (g) pemoline, including organometallic complexes and chelates thereof; 8 9 (h) phentermine; 10 (i) pipradrol; and 11 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane). 12 (5) Ephedrine, Any (A) EXCEPT AS PROVIDED IN SUBSECTION (5)(B), ANY material, compound, mixture, or 13 preparation that contains any quantity of the following substance EPHEDRINE having a stimulant effect on 14 the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers 15 16 (optical isomers)+ 17 (a) WHEN ephedrine as IS the only active medicinal ingredient or IS USED in combination with 18 therapeutically insignificant quantities of another active medicinal ingredient. (B) EPHEDRINE DOES NOT INCLUDE MATERIALS, COMPOUNDS, MIXTURES, OR PREPARATIONS 19 20 LABELED IN COMPLIANCE WITH THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994, 21 U.S.C. 321, ET SEQ., THAT CONTAIN ONLY NATURAL EPHEDRA ALKALOIDS OR EXTRACTS OF 21 22 NATURAL EPHEDRA ALKALOIDS. 23 (6) Other substances. Unless specifically excepted or listed in another schedule, any material, 24 compound, mixture, or preparation that contains any quantity of the following substances, including its 25 salts: 26 (a) pentazocine."

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55th Legislature

1	SENATE BILL NO. 8
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3	BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES
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55th Legislature

SB0008.02

(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per 1 2 dosage unit; and 3 (b) dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane). 4 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, 5 compound, mixture, or preparation that contains any quantity of the following substances, including its 6 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is 7 possible within the specific chemical designation: 8 (a) alprazolam; 9 (b) barbital; 10 (c) bromazepam; 11 (d) camazepam; 12 (e) chloral betaine; 13 (f) chloral hydrate; 14 (g) chlordiazepoxide; 15 (h) clobazam; 16 (i) clonazepam; 17 (j) clorazepate; 18 (k) clotiazepam; 19 (I) cloxazolam; 20 (m) delorazepam; 21 (n) diazepam; 22 (o) estazolam; 23 (p) ethchlorvynol; 24 (q) ethinamate; 25 (r) ethyl loflazepate; 26 (s) fludiazepam; 27 (t) flunitrazepam; 28 (u) flurazepam; 29 (v) halazepam; 30 (w) haloxazolam;



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26	(s) fludiazepam;
27	(t) flunitrazepam;
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29	(v) halazepam;
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	Legislative



- 2 -

,55th Legislature

SB0008.02

1 (x) ketazolam; 2 (y) loprazolam; 3 (z) lorazepam; 4 (aa) lornetzepam; 5 (bb) mabutamate; 6 (ccl medazepam; 7 (dd) meprobamate; 8 (ee) metnohexital; 9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (li) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qa) prazepam; 21 (rr) quazepam; and 22 (ss) ternazepam; and 23 (tt) tetrazepam; and 24 (uu) triazolam; and 25 (a) fentfuramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fentfuramine. Any material, compound, mixture, or preparation that contains any quantity of 26 isomers whenever t	1	(v) kotozolo		
3 (2) forazepam; 4 (a) formetazepam; 5 (b) mebutamate; 6 (cc) medazepam; 7 (dd) meprobamate; 8 (ee) methohexital; 9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyda; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 22 (ss) temazepam; 23 (tr) tetrazepam; and 24 (uu) triazolam. 25 19 Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 16 the following substance, including its sats, isomers (whether optical, position, or geometric), and sats of 26 (a) fenfluramine. 27 (a) fenfluramine. 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, an			х. Х	
4 (aa) lormetazepam; 5 (bb) mebutamate; 6 (cc) medazepam; 7 (dd) meprobamate; 8 (ee) methohexital; 9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraidehyde; 17 (nn) partichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; 24 (uu) triazelam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 if a fenfluramine. 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any				
 (bb) mebutamate; (c) medazapam; (d) meprobamate; (e) methohexital; (ff) methylphenobarbital (mephobarbital); (gg) midazolam; (h) nimetazepam; (ii) nitrazepam; (ij) nordiazepam; (iii) oxazolam; (kk oxazepam; (li) oxazolam; (mm) paraldehyde; (mn) paraidehyde; (nn) petrichloral; (oo) phenobarbital; (pp) pinazepam; (c) (qq) prazepam; (rr) quazepam; (rr) quazepam; (rr) quazepam; (ii) trazepam; (iii) trazepam; (iii) trazepam; (iii) (rr) quazepam; (iii) trazepam; (iii) trazepam;<!--</th--><th></th><th></th><th></th><th></th>				
6 (cc) medazepam; 7 (dd) meprobamate; 8 (ee) methohexital; 9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazolam; 15 (ll) oxazolam; 16 (mm) paraidehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (ir) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (r) quazepam; and 26 (s) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or ilisted in another				
7 (dd) meprobamate; 8 (ee) methohexital; 9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; and 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on Vegetter the existence of such salts, isomers, and salts of isomers is possible: 29 (4) Stimulants. Unless specifica				
 (ee) methohexital; (ff) methylphenobarbital (mephobarbital); (gg) midazolam; (h) nimetazepam; (ii) nitrazepam; (jj) nordiazepam; (jj) nordiazepam; (kk) oxazepam; (ll) oxazolam; (mm) paraldehyde; (mm) paraldehyde; (nn) petrichloral; (oo) phenobarbital; (op) pinazepam; (qq) prazepam; (qq) prazepam; (rr) quazepam; (rr) quazepam; (s) temzapam; (uu) triazolam. (a) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains as stimulant effect on mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 				
9 (ff) methylphenobarbital (mephobarbital); 10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; and 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. Any material, compound, mixture, or preparation, and salts of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on			,	
10 (gg) midazolam; 11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyda; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 31	8	(ee) methohe	exital;	
11 (hh) nimetazepam; 12 (ii) nitrazepam; 13 (ji) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (subtance, including its salts, isomers (whether optical, position, or geometric), and salts of 26 (a) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on	9	(ff) methylph	ienobarbitał (mephobarbital);	
12 (ii) nitrazepam; 13 (jj) nordiazepam; 14 (kk) oxazepam; 15 (ll) oxazolam; 16 (mm) paraldehyde; 17 (nn) patrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; and 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 26 ia fenfluramine. 27 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on	10	(gg) midazola	am;	
 (jj) nordiazepam; (jj) nordiazepam; (kk) oxazepam; (ll) oxazolam; (mm) paraldehyde; (nn) petrichloral; (oo) phenobarbital; (oo) phenobarbital; (pp) pinazepam; (qq) prazepam; (qq) prazepam; (rr) quazepam; (ss) temazepam; (tt) tetrazepam; and (uu) triazolam. (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	11	(hh) nimetazi	epam;	
14 (kk) oxazepam; 15 (II) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prezepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on Verticative -3- SB 8	12	(ii) nitrazepar	m;	•
15 (II) oxazolam; 16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 (a) fenfluramine. 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on Legislative	13	(jj) nordiazep)am;	
16 (mm) paraldehyde; 17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on	14	(kk) oxazepa	im;	
17 (nn) petrichloral; 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on Legistative Services	15	(II) oxazolam	0	
 18 (oo) phenobarbital; 19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	16 ·	(mm) paralde	ahyda;	
19 (pp) pinazepam; 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on Legislative SB 8	17	(nn) petrichic	oral;	
 20 (qq) prazepam; 21 (rr) quazepam; 22 (ss) temazepam; 23 (tt) tetrazepam; and 24 (uu) triazolam. 25 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of 26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of 27 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: 28 (a) fenfluramine. 29 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, 30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	18	(oo) phenoba	arbital;	
 (rr) quazepam; (ss) temazepam; (ss) temazepam; and (uu) triazolam. (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	19	(pp) pinazep	am;	
 (ss) temazepam; (tt) tetrazepam; and (uu) triazolam. (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	20	(qq) prazepa	im;	
 (tt) tetrazepam; and (uu) triazolam. (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	21	(rr) quazepar	m;	
 (uu) triazolam. (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	22	(ss) temazep	am;	
 (3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	23	(tt) tetrazepa	am; and	
 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on SER 8 	24	(uu) triazolar	m.	
 such isomers whenever the existence of such salts, isomers, and salts of isomers is possible: (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	25	(3) Fenflura	mine. Any material, compound, mixture, or prepar	ation that contains any quantity of
 (a) fenfluramine. (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	26	the following substa	ince, including its salts, isomers (whether optical, p	oosition, or geometric), and salts of
 (4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on 	27	such isomers when	aver the existence of such salts, isomers, and salts	s of isomers is possible:
30 mixture, or preparation that contains any quantity of the following substances having a stimulant effect on <i>Legislative</i> Services - 3 - SB 8	28	(a) fenflurar	nine.	
Legislative Services - 3 - SB 8	2 9	(4) Stimular	nts. Unless specifically excepted or listed in another	schedule, any material, compound,
Services - 3 - SB 8	30	mixture, or preparati	ion that contains any quantity of the following subs	tances having a stimulant effect on
Services - 3 - SB 8		Legislative		
		Services	- 3 -	SB 8

55th Legislature

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1 the central nervous system, including its salts, isomers, and salts of isomers:

- 2 (a) cathine;
- 3 (b) diethylpropion;
- 4 (c) fencamfamin;
- 5 (d) fenproporex;
- 6 (e) mazindol;
- 7 (f) mefenorex;
- 8 (g) pemoline, including organometallic complexes and chelates thereof;
- 9 (h) phentermine;
- 10 (i) pipradrol; and
- 11 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 12 (5) Ephedrine. Any
- 13 (A) EXCEPT AS PROVIDED IN SUBSECTION (5)(B), ANY material, compound, mixture, or
- 14 preparation that contains any quantity of the following substance EPHEDRINE having a stimulant effect on
- 15 the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers
- 16 (optical isomers):
- 17 (a) WHEN ephedrine as IS the only active medicinal ingredient or IS USED in combination with
- 18 therapeutically insignificant quantities of another active medicinal ingredient.
- 19 (B) EPHEDRINE DOES NOT INCLUDE MATERIALS, COMPOUNDS, MIXTURES, OR PREPARATIONS 20 LABELED IN COMPLIANCE WITH THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994,
- 21 21 U.S.C. 321, ET SEQ., THAT CONTAIN ONLY NATURAL EPHEDRA ALKALOIDS OR EXTRACTS OF
- 22 NATURAL EPHEDRA ALKALOIDS.
- (6) Other substances. Unless specifically excepted or listed in another schedule, any material,
 compound, mixture, or preparation that contains any quantity of the following substances, including its
 salts:
- 26 (a) pentazocine."
- 27

-END-



SB 8

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1	SENATE BILL NO. 8
2	INTRODUCED BY HARGROVE
3	BY REQUEST OF THE JOINT OVERSIGHT COMMITTEE ON CHILDREN AND FAMILIES
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT INCLUDING EPHEDRINE IN THE SCHEDULE IV LIST OF
6	DANGEROUS DRUGS; AND AMENDING SECTION 50-32-229, MCA."
7	
8	WHEREAS, the Legislature finds it appropriate to address the availability and sale of "look-allke"
9	or "act-alike" drugs, which are over-the-counter substances that both look and act like illegal stimulants;
10	and
11	WHEREAS, the Legislature considers "look-alike" or "act-alike" drugs to be dangerous because
12	those drugs not only have an effect on the body similar to illegal stimulants, such as amphetamines, but
13	they are relatively inexpensive and readily available for purchase by anyone of any age; and
14	WHEREAS, ephedrine is an over-the-counter stimulant drug sold primarily in convenience stores and
15	truck stops as a bronchodilator in the treatment of asthma, but it is also a drug with a history of abuse and
16	growing misuse among young people; and
17	WHEREAS, ephedrine is the primary ingredient in the illicit manufacture of a Schedule II prescription
18	drug, methamphetamine, and an illegal and highly addictive drug, methcathinone; and
1 9	WHEREAS, the Legislature finds it appropriate to place single entity ephedrine products in the
20	schedule of dangerous drugs to limit their sale to legitimate, medically related prescription sale only.
21	
22	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
23	
24	Section 1. Section 50-32-229, MCA, is amended to read:
25	"50-32-229. Specific dangerous drugs included in Schedule IV. Schedule IV consists of the drugs
26	and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in
27	this section.
28	(1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material,
29	compound, mixture, or preparation containing any of the following narcotic drugs or its salts calculated as
30	the free anhydrous base or alkaloid in the following limited quantities:



(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per 1 2 dosage unit; and 3 (b) dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane). 4 (2) Depressants. Unless specifically excepted or listed in another schedule, any material, 5 compound, mixture, or preparation that contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is 6 7 possible within the specific chemical designation: 8 (a) alprazolam; 9 (b) barbital; 10 (c) bromazepam; 11 (d) camazepam; 12 (e) chloral betaine; 13 (f) chloral hydrate; 14 (g) chlordiazepoxide; 15 (h) clobazam; 16 (i) clonazepam; 17 (j) clorazepate; 18 (k) clotiazepam; 19 (I) cloxazolam; 20 (m) delorazepam; 21 (n) diazepam; 22 (o) estazolam; 23 (p) ethchlorvynol; 24 (q) ethinamate; 25 (r) ethyl loflazepate; 26 (s) fludiazepam; 27 (t) flunitrazepam; 28 (u) flurazepam;

- 29 (v) hałazepam;
- 30 (w) haloxazolam;



1	(x) ketazolam;
2	(y) loprazolam;
3	(z) lorazepam;
4	(aa) lormetazepam;
5	(bb) mebutamate;
6	(cc) medazepam;
7	(dd) meprobamate;
8	(ee) methohexital;
9	(ff) methylphenobarbital (mephobarbital);
10	(gg) midazolam;
11	(hh) nimetazepam;
12	(ii) nitrazepam;
13	(jj) nordiazepam;
14	(kk) oxazepam;
15	(II) oxazolam;
16	(mm) paraldehyde;
17	(nn) petrichloral;
18	(oo) phenobarbital;
19	(pp) pinazepam;
20	(qq) prazepam;
21	(rr) quazepam;
22	(ss) temazepam;
23	(tt) tetrazepam; and
24	(uu) triazolam.
25	(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of
26	the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of
27	such isomers whenever the existence of such salts, isomers, and salts of isomers is possible:
28	(a) fenfluramine.
29	(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound,
30	mixture, or preparation that contains any quantity of the following substances having a stimulant effect on



1	the central nervous system, including its salts, isomers, and salts of isomers:
2	(a) cathine;
3	(b) diethylpropion;
4	(c) fencamfamin;
5	(d) fenproporex;
6	(e) mazindol;
7	(f) mefenorex;
8	(g) pemoline, including organometallic complexes and chelates thereof;
9	(h) phentermine;
10	(i) pipradrol; and
11	(j) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
12	(5) <u>Ephedrine. Any</u>
13	(A) EXCEPT AS PROVIDED IN SUBSECTION (5)(B), ANY material, compound, mixture, or
14	preparation that contains any quantity of the following substance EPHEDRINE having a stimulant effect on
15	the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers
16	(optical isomers):
17	(a) WHEN ephedrine as IS the only active medicinal ingredient or IS USED in combination with
18	therapeutically insignificant quantities of another active medicinal ingredient.
19	(B) EPHEDRINE DOES NOT INCLUDE MATERIALS, COMPOUNDS, MIXTURES, OR PREPARATIONS
20	LABELED IN COMPLIANCE WITH THE DIETARY SUPPLEMENT HEALTH AND EDUCATION ACT OF 1994,
21	21 U.S.C. 321, ET SEQ., THAT CONTAIN ONLY NATURAL EPHEDRA ALKALOIDS OR EXTRACTS OF
22	NATURAL EPHEDRA ALKALOIDS.
23	(6) Other substances. Unless specifically excepted or listed in another schedule, any material,
24	compound, mixture, or preparation that contains any quantity of the following substances, including its
25	salts:
26	(a) pentazocine."

27

