

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 and11 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; and14 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; and17 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; and19 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:

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 (l) 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;

- 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;
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- 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) Ephedrine. Any material, compound, mixture, or preparation that contains any quantity 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."

21

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0008, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

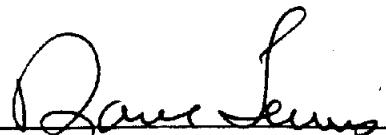
A bill to include ephedrine in the schedule IV list of dangerous drugs.

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:

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

 1-22-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 DON HARGROVE, PRIMARY SPONSOR DATE

Fiscal Note for SB0008, as introduced

SB8

APPROVED BY COM ON PUBLIC
HEALTH, WELFARE & SAFETY

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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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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:

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
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9 (b) barbital;

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11 (d) camazepam;

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15 (h) clobazam;

16 (i) clonazepam;

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18 (k) clotiazepam;

19 (l) cloxazolam;

20 (m) delorazepam;

21 (n) diazepam;

22 (o) estazolam;

23 (p) ethchlorvynol;

24 (q) ethinamate;

25 (r) ethyl loflazepate;

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27 (t) flunitrazepam;

28 (u) flurazepam;

29 (v) halazepam;

30 (w) haloxazolam;

- 1 (x) ketazolam;
- 2 (y) loprazolam;
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26 the following substance, including its salts, isomers (whether optical, position, or geometric), and salts of
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- 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;

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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.

23 (6) Other substances. Unless specifically excepted or listed in another schedule, any material,
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- 9 (b) barbital;
- 10 (c) bromazepam;
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- 21 (n) diazepam;
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- 23 (p) ethchlorvynol;
- 24 (q) ethinamate;
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- 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:
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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:

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 18 therapeutically insignificant quantities of another active medicinal ingredient.

19 (B) EPHEDRINE DOES NOT INCLUDE MATERIALS, COMPOUNDS, MIXTURES, OR PREPARATIONS
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9 or "act-alike" drugs, which are over-the-counter substances that both look and act like illegal stimulants;
10 and11 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; and14 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; and17 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; and19 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:

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 (l) 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;

- 1 (x) ketazolam;
- 2 (y) lorazepam;
- 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 (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 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) 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 ~~is~~ 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 -END-