

CONTROLLED SUBSTANCES AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Bigelow

AN ACT RELATING TO CRIMINAL LAW AND CONTROLLED SUBSTANCES;
AMENDING THE SCHEDULE OF CONTROLLED SUBSTANCES TO INCLUDE GHB;
SCHEDULING KETAMINE; AND INCLUDING ANALOGS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

58-37-4, as last amended by Chapter 283, Laws of Utah 1998

58-37c-3, as last amended by Chapter 100, Laws of Utah 1998

58-37c-8, as last amended by Chapter 100, Laws of Utah 1998

ENACTS:

58-37-5.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-37-4** is amended to read:

58-37-4. Schedules of controlled substances -- Schedules I through V -- Findings required -- Specific substances included in schedules.

(1) There are established five schedules of controlled substances known as Schedules I, II, III, IV, and V which shall consist of substances listed in this section.

(2) Schedules I, II, III, IV, and V consist of the following drugs or other substances by the official name, common or usual name, chemical name, or brand name designated:

(a) Schedule I:

(i) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation:

(A) Acetyl-alpha-methylfentanyl

(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);

- (B) Acetylmethadol;
- (C) Allylprodine;
- (D) Alphacetylmethadol, except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
- (E) Alphameprodine;
- (F) Alphamethadol;
- (G) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N- propanilido) piperidine);
- (H) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (I) Benzethidine;
- (J) Betacetylmethadol;
- (K) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (L) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;
- (M) Betameprodine;
- (N) Betamethadol;
- (O) Betaprodine;
- (P) Clonitazene;
- (Q) Dextromoramide;
- (R) Diampromide;
- (S) Diethylthiambutene;
- (T) Difenoxin;
- (U) Dimenoxadol;
- (V) Dimepheptanol;
- (W) Dimethylthiambutene;
- (X) Dioxaphetyl butyrate;

(Y) Dipipanone;
(Z) Ethylmethylthiambutene;
(AA) Etonitazene;
(BB) Etoxeridine;
(CC) Furethidine;
(DD) Hydroxypethidine;
(EE) Ketobemidone;
(FF) Levomoramide;
(GG) Levophenacymorphan;
(HH) Morpheridine;
(II) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
(JJ) Noracymethadol;
(KK) Norlevorphanol;
(LL) Normethadone;
(MM) Norpipanone;
(NN) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]
propanamide;
(OO) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
(PP) Phenadoxone;
(QQ) Phenampromide;
(RR) Phenomorphan;
(SS) Phenoperidine;
(TT) Piritramide;
(UU) Proheptazine;
(VV) Properidine;
(WW) Propiram;
(XX) Racemoramide;
(YY) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;

(ZZ) Tilidine;
(AAA) Trimeperidine;
(BBB) 3-methylfentanyl, including the optical and geometric isomers
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide); and
(CCC) 3-methylthiofentanyl
(N-[(3-methyl-1-(2-thienyl)ethyl)-4-piperidyl]-N-phenylpropanamide).

(ii) Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Acetorphine;
- (B) Acetyldihydrocodeine;
- (C) Benzylmorphine;
- (D) Codeine methylbromide;
- (E) Codeine-N-Oxide;
- (F) Cyprenorphine;
- (G) Desomorphine;
- (H) Dihydromorphine;
- (I) Drotebanol;
- (J) Etorphine (except hydrochloride salt);
- (K) Heroin;
- (L) Hydromorphenol;
- (M) Methyldesorphine;
- (N) Methylhydromorphine;
- (O) Morphine methylbromide;
- (P) Morphine methylsulfonate;
- (Q) Morphine-N-Oxide;
- (R) Myrophine;
- (S) Nicocodeine;

- (T) Nicomorphine;
- (U) Normorphine;
- (V) Pholcodine; and
- (W) Thebacon.

(iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation; as used in this Subsection (2)(iii) only, "isomer" includes the optical, position, and geometric isomers:

- (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names: 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- (C) 4-bromo-2,5-dimethoxypenethylamine, some trade or other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;
- (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA;
- (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA;
- (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";
- (I) 3,4-methylenedioxy amphetamine;
- (J) 3,4-methylenedioxymethamphetamine (MDMA);
- (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
- (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as

N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;

(M) 3,4,5-trimethoxy amphetamine;

(N) Bufotenine, some trade and other names: 3-(β -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

(O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;

(P) Dimethyltryptamine, some trade or other names: DMT;

(Q) Ibogaine, some trade and other names:

7-Ethyl-6,6 β ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino [5,4-b] indole; Tabernanthe iboga;

(R) Lysergic acid diethylamide;

(S) Marijuana;

(T) Mescaline;

(U) Parahexyl, some trade or other names:

3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl;

(V) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts (Interprets 21 USC 812(c), Schedule I(c) (12));

(W) N-ethyl-3-piperidyl benzilate;

(X) N-methyl-3-piperidyl benzilate;

(Y) Psilocybin;

(Z) Psilocyn;

(AA) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Δ 1 cis or trans tetrahydrocannabinol, and their optical isomers Δ 6 cis or trans tetrahydrocannabinol, and their optical isomers Δ 3,4 cis or trans tetrahydrocannabinol, and its optical isomers, and since

nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered;

(BB) Ethylamine analog of phencyclidine, some trade or other names:

N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,

N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

(CC) Pyrrolidine analog of phencyclidine, some trade or other names:

1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;

(DD) Thiophene analog of phencyclidine, some trade or other names:

1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TCP, TCP; and

(EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.

(iv) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Mecloqualone; and

(B) Methaqualone.

(v) Any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:

(A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;

(B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;

(C) Fenethylamine;

(D) Methcathinone, some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone; N-methylcathinone;

methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;

(E) (\pm)cis-4-methylaminorex ((\pm)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

(F) N-ethylamphetamine; and

(G) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

(vi) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their optical isomers, salts, and salts of isomers, subject to temporary emergency scheduling:

(A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and

(B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl).

(vii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of gamma hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.

(b) Schedule II:

(i) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including:

(I) Raw opium;

(II) Opium extracts;

(III) Opium fluid;

(IV) Powdered opium;

(V) Granulated opium;

(VI) Tincture of opium;

- (VII) Codeine;
- (VIII) Ethylmorphine;
- (IX) Etorphine hydrochloride;
- (X) Hydrocodone;
- (XI) Hydromorphone;
- (XII) Metopon;
- (XIII) Morphine;
- (XIV) Oxycodone;
- (XV) Oxymorphone; and
- (XVI) Thebaine;

(B) Any salt, compound, derivative, or preparation which is chemically equivalent or identical with any of the substances referred to in Subsection (2)(b)(i)(A), except that these substances may not include the isoquinoline alkaloids of opium;

(C) Opium poppy and poppy straw;

(D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation which is chemically equivalent or identical with any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives, whether derived from the coca plant or synthetically produced, except the substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(E) Concentrate of poppy straw, which means the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.

(ii) Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation, except dextrorphan and levopropoxyphene:

- (A) Alfentanil;
- (B) Alphaprodine;

- (C) Anileridine;
 - (D) Bezitramide;
 - (E) Bulk dextropropoxyphene (nondosage forms);
 - (F) Carfentanil;
 - (G) Dihydrocodeine;
 - (H) Diphenoxylate;
 - (I) Fentanyl;
 - (J) Isomethadone;
 - (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
 - (L) Levomethorphan;
 - (M) Levorphanol;
 - (N) Metazocine;
 - (O) Methadone;
 - (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
 - (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
 - (R) Pethidine (meperidine);
 - (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
 - (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
 - (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
 - (V) Phenazocine;
 - (W) Piminodine;
 - (X) Racemethorphan;
 - (Y) Racemorphan;
 - (Z) Remifentanil; and
 - (AA) Sufentanil.
- (iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant

effect on the central nervous system:

- (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- (C) Phenmetrazine and its salts; and
- (D) Methylphenidate.

(iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Amobarbital;
- (B) Glutethimide;
- (C) Pentobarbital;
- (D) Phencyclidine;
- (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and

1-piperidinocyclohexanecarbonitrile (PCC); and

- (F) Secobarbital.

(v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of Phenylacetone.

Some of these substances may be known by trade or other names: phenyl-2-propanone, P2P; benzyl methyl ketone, methyl benzyl ketone.

(vi) (A) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product, some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol; and

- (B) Nabilone, another name for nabilone:

(±)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

(c) Schedule III:

(i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers whether optical, position, or geometric, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II, which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(B) Benzphetamine;

(C) Chlorphentermine;

(D) Clortermine; and

(E) Phendimetrazine.

(ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(A) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of them, and one or more other active medicinal ingredients which are not listed in any schedule;

(B) Any suppository dosage form containing amobarbital, secobarbital, or pentobarbital, or any salt of any of these drugs which is approved by the Food and Drug Administration for marketing only as a suppository;

(C) Any substance which contains any quantity of a derivative of barbituric acid or any salt of any of them;

(D) Chlorhexadol;

(E) Ketamine;

~~(F)~~ (F) Lysergic acid;
~~(G)~~ (G) Lysergic acid amide;
~~(H)~~ (H) Methyprylon;
~~(I)~~ (I) Sulfondiethylmethane;
~~(J)~~ (J) Sulfonethylmethane;
~~(K)~~ (K) Sulfonmethane; and

~~(L)~~ (L) Tiletamine and zolazepam or any of their salts, some trade or other names for a tiletamine-zolazepam combination product: Telazol, some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon.

(iii) Nalorphine.

(iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid:

(A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;

(C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active non-narcotic ingredients in recognized therapeutic amounts;

(F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(v) Unless specifically excepted or unless listed in another schedule, anabolic steroids including any of the following or any isomer, ester, salt, or derivative of the following that promotes muscle growth:

- (A) Boldenone;
- (B) Chlorotestosterone (4-chlortestosterone);
- (C) Clostebol;
- (D) Dehydrochlormethyltestosterone;
- (E) Dihydrotestosterone (4-dihydrotestosterone);
- (F) Drostanolone;
- (G) Ethylestrenol;
- (H) Fluoxymesterone;
- (I) Formebolone (formebolone);
- (J) Mesterolone;
- (K) Methandienone;
- (L) Methandranone;
- (M) Methandriol;
- (N) Methandrostenolone;
- (O) Methenolone;
- (P) Methyltestosterone;
- (Q) Mibolerone;

- (R) Nandrolone;
- (S) Norethandrolone;
- (T) Oxandrolone;
- (U) Oxymesterone;
- (V) Oxymetholone;
- (W) Stanolone;
- (X) Stanozolol;
- (Y) Testolactone;
- (Z) Testosterone; and
- (AA) Trenbolone.

Anabolic steroids expressly intended for administration through implants to cattle or other nonhuman species, and approved by the Secretary of Health and Human Services for use, may not be classified as a controlled substance.

(d) Schedule IV:

(i) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or any salts of any of them;

(ii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (A) Alprazolam;
- (B) Barbital;
- (C) Bromazepam;
- (D) Butorphanol;
- (E) Camazepam;
- (F) Chloral betaine;
- (G) Chloral hydrate;

- (H) Chlordiazepoxide;
- (I) Clobazam;
- (J) Clonazepam;
- (K) Clorazepate;
- (L) Clotiazepam;
- (M) Cloxazolam;
- (N) Delorazepam;
- (O) Diazepam;
- (P) Estazolam;
- (Q) Ethchlorvynol;
- (R) Ethinamate;
- (S) Ethyl loflazepate;
- (T) Fludiazepam;
- (U) Flunitrazepam;
- (V) Flurazepam;
- (W) Halazepam;
- (X) Haloxazolam;
- (Y) Ketazolam;
- (Z) Loprazolam;
- (AA) Lorazepam;
- (BB) Lormetazepam;
- (CC) Mebutamate;
- (DD) Medazepam;
- (EE) Meprobamate;
- (FF) Methohexital;
- (GG) Methylphenobarbital (mephobarbital);
- (HH) Midazolam;
- (II) Nimetazepam;

(JJ) Nitrazepam;
(KK) Nordiazepam;
(LL) Oxazepam;
(MM) Oxazolam;
(NN) Paraldehyde;
(OO) Pentazocine;
(PP) Petrichloral;
(QQ) Phenobarbital;
(RR) Pinazepam;
(SS) Prazepam;
(TT) Quazepam;
(UU) Temazepam;
(VV) Tetrazepam;
(WW) Triazolam; and
(XX) Zolpidem.

(iii) Any material, compound, mixture, or preparation of fenfluramine which contains any quantity of the following substances, including its salts, isomers whether optical, position, or geometric, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible.

(iv) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers whether optical, position, or geometric isomers, and salts of the isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

(A) Cathine ((+)-norpseudoephedrine);
(B) Diethylpropion;
(C) Fencamfamine;
(D) Fenproporex;

- (E) Mazindol;
- (F) Mefenorex;
- (G) Pemoline, including organometallic complexes and chelates thereof;
- (H) Phentermine;
- (I) Pipradrol; and
- (J)SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(v) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.

(e) Schedule V: Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, which includes one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

- (i) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- (ii) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (iii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (iv) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (v) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- (vi) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;
- (vii) unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains Pyrovalerone having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers; and
- (viii) unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any Buprenorphine and its salts.

Section 2. Section **58-37-5.5** is enacted to read:

58-37-5.5. Recognized controlled substance analogs.

(1) A substance listed under Subsection (2) is an analog, as defined in Subsection 58-37-2(1)(f), if the substance, in any quantity, and in any material, compound, mixture, or preparation, is present in:

(a) any product manufactured, distributed, or possessed for the purpose of human consumption; or

(b) any product, the use or administration of which results in human consumption.

(2) Substances referred to in Subsection (1) include, but are not limited to:

(a) gamma butyrolactone (GBL);

(b) butyrolactone;

(c) 1,2 butanolide;

(d) 2-oxanolone;

(e) tetrahydro-2-furanone;

(f) dihydro-2 (3H)-furanone;

(g) tetramethylene glycol; and

(h) 1,4 butanediol.

Section 3. Section **58-37c-3** is amended to read:

58-37c-3. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Controlled Substance Precursor Advisory Board created in Section 58-37c-4.

(2) "Controlled substance precursor" includes a chemical reagent and means any of the following:

(a) Phenyl-2-propanone;

(b) Methylamine;

(c) Ethylamine;

(d) D-lysergic acid;

(e) Ergotamine and its salts;

- (f) Diethyl malonate;
- (g) Malonic acid;
- (h) Ethyl malonate;
- (i) Barbituric acid;
- (j) Piperidine and its salts;
- (k) N-acetylanthranilic acid and its salts;
- (l) Pyrrolidine;
- (m) Phenylacetic acid and its salts;
- (n) Anthranilic acid and its salts;
- (o) Morpholine;
- (p) Ephedrine;
- (q) Pseudoephedrine;
- (r) Norpseudoephedrine;
- (s) Phenylpropanolamine;
- (t) Benzyl cyanide;
- (u) Ergonovine and its salts;
- (v) 3,4-Methylenedioxyphenyl-2-propanone;
- (w) propionic anhydride;
- (x) Insosafrole;
- (y) Safrole;
- (z) Piperonal;
- (aa) N-Methylephedrine;
- (bb) N-ethylephedrine;
- (cc) N-methylpseudoephedrine;
- (dd) N-ethylpseudoephedrine;
- (ee) Hydriotic acid;
- (ff) gamma butyrolactone (GBL), including butyrolactone, 1,2 butanolide, 2-oxanolone, tetrahydro-2-furanone, dihydro-2(3H)-furanone, and tetramethylene glycol, but not including gamma

aminobutric acid (GABA);

~~(gg)~~ 1,4 butanediol;

~~[(ff)]~~ ~~(hh)~~ any salt, isomer, or salt of an isomer of the chemicals listed in Subsections (2)(a) through ~~[(ee)]~~ ~~(gg)~~ of this section;

~~[(gg)]~~ (ii) Crystal iodine;

~~[(hh)]~~ (jj) any controlled substance precursor listed under the provisions of the Federal Controlled Substances Act which is designated by the director under the emergency listing provisions set forth in Section 58-37c-14; and

~~[(ii)]~~ (kk) any chemical which is designated by the director under the emergency listing provisions set forth in Section 58-37c-14.

(3) "Deliver," "delivery," "transfer," or "furnish" means the actual, constructive, or attempted transfer of a controlled substance precursor.

(4) "Matrix" means something, as a substance, in which something else originates, develops, or is contained.

(5) "Person" means any individual, group of individuals, proprietorship, partnership, joint venture, corporation, or organization of any type or kind.

(6) "Practitioner" means a physician, dentist, podiatric physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, pharmaceutical manufacturer, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching, or chemical analysis a controlled substance in the course of professional practice or research in this state.

(7) (a) "Regulated distributor" means a person within the state who provides, sells, furnishes, transfers, or otherwise supplies a listed controlled substance precursor chemical in a regulated transaction.

(b) "Regulated distributor" does not include any person excluded from regulation under this chapter.

(8) (a) "Regulated purchaser" means any person within the state who receives a listed controlled substance precursor chemical in a regulated transaction.

(b) "Regulated purchaser" does not include any person excluded from regulation under this chapter.

(9) "Regulated transaction" means any actual, constructive or attempted:

(a) transfer, distribution, delivery, or furnishing by a person within the state to another person within or outside of the state of a threshold amount of a listed precursor chemical; or

(b) purchase or acquisition by any means by a person within the state from another person within or outside the state of a threshold amount of a listed precursor chemical.

(10) "Retail distributor" means a grocery store, general merchandise store, drug store, or other entity or person whose activities as a distributor are limited almost exclusively to sales for personal use:

(a) in both number of sales and volume of sales; and

(b) either directly to walk-in customers or in face-to-face transactions by direct sales.

(11) "Threshold amount of a listed precursor chemical" means any amount of a controlled substance precursor; however, the division may exempt from the provisions of this chapter a specific controlled substance precursor in a specific amount and in certain types of transactions which provisions for exemption shall be defined by the division by rule adopted pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(12) "Unlawful conduct" as defined in Section 58-1-501 includes knowingly and intentionally:

(a) engaging in a regulated transaction without first being appropriately licensed or exempted from licensure under this chapter;

(b) acting as a regulated distributor and selling, transferring, or in any other way conveying a controlled substance precursor to a person within the state who is not appropriately licensed or exempted from licensure as a regulated purchaser, or selling, transferring, or otherwise conveying a controlled substance precursor to a person outside of the state and failing to report the transaction as required;

(c) acting as a regulated purchaser and purchasing or in any other way obtaining a controlled substance precursor from a person within the state who is not a licensed regulated distributor, or purchasing or otherwise obtaining a controlled substance precursor from a person outside of the state

and failing to report the transaction as required;

(d) engaging in a regulated transaction and failing to submit reports and keep required records of inventories required under the provisions of this chapter or rules adopted pursuant to this chapter;

(e) making any false statement in any application for license, in any record to be kept, or on any report submitted as required under this chapter;

(f) with the intent of causing the evasion of the recordkeeping or reporting requirements of this chapter and rules related to this chapter, receiving or distributing any listed controlled substance precursor chemical in any manner designed so that the making of records or filing of reports required under this chapter is not required;

(g) failing to take immediate steps to comply with licensure, reporting, or recordkeeping requirements of this chapter because of lack of knowledge of those requirements, upon becoming informed of the requirements;

(h) presenting false or fraudulent identification where or when receiving or purchasing a listed controlled substance precursor chemical;

(i) creating a chemical mixture for the purpose of evading any licensure, reporting or recordkeeping requirement of this chapter or rules related to this chapter, or receiving a chemical mixture created for that purpose;

(j) if the person is at least 18 years of age, employing, hiring, using, persuading, inducing, enticing, or coercing another person under 18 years of age to violate any provision of this chapter, or assisting in avoiding detection or apprehension for any violation of this chapter by any federal, state, or local law enforcement official; and

(k) obtaining or attempting to obtain or to possess any controlled substance precursor or any combination of controlled substance precursors knowing or having a reasonable cause to believe that the controlled substance precursor is intended to be used in the unlawful manufacture of any controlled substance.

(13) "Unprofessional conduct" as defined in Section 58-1-102 and as may be further defined by rule includes the following:

(a) violation of any provision of this chapter, the Controlled Substance Act of this state or any other state, or the Federal Controlled Substance Act; and

(b) refusing to allow agents or representatives of the division or authorized law enforcement personnel to inspect inventories or controlled substance precursors or records or reports relating to purchases and sales or distribution of controlled substance precursors as such records and reports are required under this chapter.

Section 4. Section **58-37c-8** is amended to read:

58-37c-8. License -- Exceptions from licensure or regulation.

(1) Any person engaged in a regulated transaction must be appropriately licensed under this chapter as a regulated distributor and regulated purchaser unless excepted from licensure under this chapter.

(2) The division shall:

(a) establish the form of application for a license, the requirements for licensure, and fees for initial licensure and renewal; and

(b) identify required information to be contained in the application as a condition of licensure.

(3) A practitioner who holds a Utah Controlled Substance License and a Controlled Substance Registration issued by the Drug Enforcement Administration of the U.S. Government is excepted from licensure under this chapter.

(4) Any purchase, sale, transfer, furnishing, or receipt of any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if such drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription pursuant to the federal Food, Drug and Cosmetic Act, 21 USC, Sec. 301 et seq., or regulations adopted thereunder are excepted from licensure, reporting, and recordkeeping under this chapter.

(5) Any purchase, sale, transfer, receipt, or manufacture of any dietary supplement, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise prohibited by law, which may contain naturally occurring amounts of chemicals or

substances listed in this chapter, or in rules adopted pursuant to Title 63, Chapter 46a, Utah Administrative Rulemaking Act, are exempt from licensure under this chapter.

(6) A purchaser of two ounces or less of crystal iodine in a single transaction is not required to be licensed as a regulated purchaser if the transaction complies with Section 58-37c-18.

(7) Any purchase, sale, transfer, receipt, or manufacture of any product that contains any precursor chemical listed in Subsection 58-37c-3(2)(ff) or (gg) and that is not intended for human consumption is exempt from licensure, regulation, or criminal penalties under this chapter.