

Michael K. McKell proposes the following substitute bill:

Kratom Adjustments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael K. McKell

House Sponsor: Katy Hall

LONG TITLE

General Description:

This bill amends provisions related to kratom.

Highlighted Provisions:

This bill:

- defines terms;
- requires a kratom processor and kratom retailer to register with the Department of Agriculture and Food;
- only allows a retail tobacco specialty business to sell kratom;
- bans the sale of certain kratom products;
- amends provisions related to penalties and fees;
- amends the age for who can purchase a kratom product;
- schedules 7-hydroxymitragynine, including synthetics, if the 7-hydroxymitragynine concentration exceeds a certain percentage as a schedule I controlled substance; and
- schedules Mitragynine pseudoindoxyl, including synthetics.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 4-45-102**, as enacted by Laws of Utah 2019, Chapter 329
- 4-45-103**, as enacted by Laws of Utah 2019, Chapter 329
- 4-45-104**, as enacted by Laws of Utah 2019, Chapter 329
- 4-45-105**, as enacted by Laws of Utah 2019, Chapter 329
- 4-45-108**, as enacted by Laws of Utah 2019, Chapter 329

29 **58-37-2**, as last amended by Laws of Utah 2025, Chapter 396

30 **58-37-4**, as last amended by Laws of Utah 2025, Chapter 216

31

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

33 Section 1. Section **4-45-102** is amended to read:

34

CHAPTER 45. Kratom Regulation Act

35

4-45-102 . Definitions.

36

As used in this chapter:

37

[(1) "Commissioner" means the commissioner of the department.]

38

[(2) "Department" means the Department of Agriculture and Food created in Section
39 4-2-102.]

40

[(3) "Food" means:]

41

[(a) an article used for food or drink for human or animal consumption or the
42 components of the article;]

43

[(b) chewing gum or chewing gum components; or]

44

[(c) a food supplement for special dietary use that is necessitated because of a physical,
45 physiological, pathological, or other condition.]

46

(1) "Kratom extract" means a preparation containing any part of the *Mitragyna speciosa*
47 plant in a concentrated form.

48

[(4)] (2) "Kratom processor" means a person who[:]

49

[(a) sells, prepares, or maintains] prepares, processes, manufactures, or distributes a
50 kratom product[:or] .

51

[(b) advertises, represents, or holds oneself out as selling, preparing, or maintaining a
52 kratom product.]

53

[(5)] (3) "Kratom product" [~~mean food~~] means a product containing any part of a leaf of the
54 plant *Mitragyna speciosa*.

55

(4) "Kratom retailer" means a person who sells a kratom product for retail sale in the state.

56

(5) "Pure leaf kratom" means a kratom product that:

57

(a) is identifiable as plant matter or is identifiable plant matter contained in an
58 encapsulating agent described in Subsection (5)(b)(iii);

59

(b) is not mixed or packed with a nonkratom substance unless the nonkratom substance
60 is an inert encapsulating agent that:

61

(i) is composed of food-grade or pharmaceutical-grade materials with no
62 pharmacological activity;

- 63 (ii) contains no psychoactive substances, stimulants, or adulterants; and
 64 (iii) serves solely to contain or deliver the plant matter;
 65 (c) does not contain any kratom extract; and
 66 (d) is not a controlled substance under Section 58-37-4.

67 Section 2. Section **4-45-103** is amended to read:

68 **4-45-103 . Factual basis for claim as kratom product required -- Administrative**
 69 **penalty -- Request for hearing.**

- 70 (1) A kratom processor shall disclose on the product label of each kratom product that the
 71 kratom processor prepares, distributes, sells, or offers for sale the factual basis upon
 72 which the kratom processor represents the ~~[food]~~ product as a kratom product.
 73 (2) For a violation of Subsection (1), a kratom processor is subject to an administrative fine [
 74 of:] up to \$5,000.
 75 ~~[(a) up to \$500 for the first offense; and]~~
 76 ~~[(b) up to \$1,000 for a second or subsequent offense.]~~
 77 (3) Upon the request of a kratom processor fined under this section, the commissioner shall
 78 conduct a hearing in accordance with Title 63G, Chapter 4, Administrative Procedures
 79 Act.

80 Section 3. Section **4-45-104** is amended to read:

81 **4-45-104 . Kratom processor and kratom retailer requirements -- Criminal**
 82 **penalty.**

- 83 (1) A kratom processor or kratom retailer may not prepare, possess, distribute, sell, or offer
 84 for sale a kratom product that:
 85 (a) ~~[that is mixed or packed with a nonkratom substance that affects the quality or~~
 86 ~~strength of the kratom product to such a degree as to render the kratom product~~
 87 ~~injurious to a consumer;]~~ is not pure leaf kratom; and
 88 ~~[(b) that contains a poisonous or otherwise deleterious nonkratom ingredient, including a~~
 89 ~~controlled substance as defined in Section 58-37-2;]~~
 90 ~~[(c) containing a level of 7-hydroxymitragynine in the alkaloid fraction that is greater~~
 91 ~~than 2% of the alkaloid composition of the kratom product;]~~
 92 ~~[(d) containing a synthetic alkaloid, including synthetic mitragynine, synthetic~~
 93 ~~7-hydroxymitragynine, or any other synthetically derived compound of the kratom~~
 94 ~~plant; or]~~
 95 ~~[(e)]~~ (b) ~~[that]~~ does not include a product label on the kratom product packaging that
 96 states the amount of mitragynine and 7-hydroxymitragynine contained in the

97 packaged kratom product.

98 (2) A kratom processor or kratom retailer who violates Subsection (1) is guilty of:

99 (a) a class [€] B misdemeanor for ~~[each violation.]~~ the first violation;

100 (b) a class A misdemeanor for a second violation; and

101 (c) a third degree felony for any subsequent violation.

102 [~~(3) A kratom processor does not violate Subsection (1) if the kratom processor shows by a~~
 103 ~~preponderance of the evidence that the kratom processor relied in good faith upon the~~
 104 ~~representation of a manufacturer, processor, packer, or distributor of food represented to~~
 105 ~~be a kratom product.]~~

106 [~~(4)~~] (3) A kratom processor or kratom retailer may not prepare, distribute, sell, or offer for
 107 sale a kratom product that is not registered with the department in accordance with this
 108 chapter.

109 [~~(5)~~] (4)(a) A kratom processor shall register as a food establishment in accordance with
 110 Section 4-5-301 and with the department as a kratom processor.

111 (b) A kratom retailer shall register with the department as kratom retailer.

112 (c) The department may not register a person as a kratom retailer unless the kratom
 113 retailer is licensed as a retail tobacco specialty business under Sections 10-8-41.6 and
 114 Section 17-78-1004.

115 (d) The department shall set a fee to register the following:

116 (i) a kratom processor; and

117 (ii) a kratom retailer;

118 (e) The department shall:

119 (i) set an administrative fine not to exceed \$5,000 for a person who sells a kratom
 120 product if the person is not registered as a kratom processor or kratom retailer
 121 with the department; and

122 (ii) assess the fine described in Subsection (4)(d)(i) against any person who offers a
 123 kratom product for sale in this state if the person is not registered as a kratom
 124 processor or kratom retailer.

125 Section 4. Section **4-45-105** is amended to read:

126 **4-45-105 . Prohibition on sale to minors -- Criminal penalty.**

127 (1) A kratom processor or kratom retailer may not distribute, sell, or offer for sale a kratom
 128 product to an individual under [~~18~~] 21 years[~~of age~~] old.

129 (2) A kratom processor or kratom retailer who violates this section is guilty of a class [€] A
 130 misdemeanor for each violation.

131 Section 5. Section **4-45-108** is amended to read:

132 **4-45-108 . Registration of kratom products -- Department duties.**

- 133 (1) The department shall set a fee to register a kratom product, in accordance with Section
134 4-2-103.
- 135 (2) The fee described in Subsection (1) may be paid by [~~a producer, manufacturer, or~~
136 ~~distributor of a kratom product~~] any person, but a kratom product may not be registered
137 with the department until the fee is paid.
- 138 (3) The department shall:
- 139 (a) set an administrative fine[~~, larger than the fee described in Subsection (1),~~] not to
140 exceed \$5,000 for a person who sells a kratom product that is not registered with the
141 department; and
- 142 (b) assess the fine described in Subsection (3)(a) against any person who offers an
143 unregistered kratom product for sale in this state.
- 144 (4) The department may seize and destroy any unregistered kratom product offered for sale
145 in this state.

146 Section 6. Section **58-37-2** is amended to read:

147 **58-37-2 . Definitions.**

- 148 (1) As used in this chapter:
- 149 (a) "Administer" means the direct application of a controlled substance, whether by
150 injection, inhalation, ingestion, or any other means, to the body of a patient or
151 research subject by:
- 152 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized
153 agent; or
- 154 (ii) the patient or research subject at the direction and in the presence of the
155 practitioner.
- 156 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a
157 manufacturer, distributor, or practitioner but does not include a motor carrier, public
158 warehouseman, or employee of any of them.
- 159 (c) "Consumption" means ingesting or having any measurable amount of a controlled
160 substance in a person's body, but this Subsection (1)(c) does not include the
161 metabolite of a controlled substance.
- 162 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
163 partnership, corporation, business trust, association, or other legal entity, and any
164 union or groups of individuals associated in fact although not a legal entity, and

165 includes illicit as well as licit entities created or maintained for the purpose of
166 engaging in conduct which constitutes the commission of episodes of activity made
167 unlawful by this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b,
168 Imitation Controlled Substances Act, Chapter 37c, Utah Controlled Substance
169 Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not
170 isolated, but have the same or similar purposes, results, participants, victims, methods
171 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
172 together, the episodes shall demonstrate continuing unlawful conduct and be related
173 either to each other or to the enterprise.

174 (e) "Control" means to add, remove, or change the placement of a drug, substance, or
175 immediate precursor under Section 58-37-3.

176 (f)(i) "Controlled substance" means a drug or substance:

177 (A) included in Schedules I, II, III, IV, or V of Section 58-37-4;

178 (B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances
179 Act, Title II, P.L. 91-513;

180 (C) that is a controlled substance analog; or

181 (D) listed in Section 58-37-4.2.

182 (ii) "Controlled substance" does not include:

183 (A) distilled spirits, wine, or malt beverages, as those terms are defined in Title
184 32B, Alcoholic Beverage Control Act;

185 (B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
186 or prevention of disease in human or other animals, which contains ephedrine,
187 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
188 lawfully purchased, sold, transferred, or furnished as an over-the-counter
189 medication without prescription; or

190 (C) dietary supplements, vitamins, minerals, herbs, or other similar substances
191 including concentrates or extracts, which:

192 (I) are not otherwise regulated by law; and

193 (II) may contain naturally occurring amounts of chemical or substances listed
194 in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah
195 Administrative Rulemaking Act.

196 (g)(i) "Controlled substance analog" means:

197 (A) a substance the chemical structure of which is substantially similar to the
198 chemical structure of a controlled substance listed in Schedules I and II of

- 199 Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and
200 II of the federal Controlled Substances Act, Title II, P.L. 91-513;
- 201 (B) a substance that has a stimulant, depressant, or hallucinogenic effect on the
202 central nervous system substantially similar to the stimulant, depressant, or
203 hallucinogenic effect on the central nervous system of controlled substances
204 listed in Schedules I and II of Section 58-37-4, substances listed in Section
205 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
206 Substances Act, Title II, P.L. 91-513; or
- 207 (C) A substance that, with respect to a particular individual, is represented or
208 intended to have a stimulant, depressant, or hallucinogenic effect on the central
209 nervous system substantially similar to the stimulant, depressant, or
210 hallucinogenic effect on the central nervous system of controlled substances
211 listed in Schedules I and II of Section 58-37-4, substances listed in Section
212 58-37-4.2, or substances listed in Schedules I and II of the federal Controlled
213 Substances Act, Title II, P.L. 91-513.
- 214 (ii) "Controlled substance analog" does not include:
- 215 (A) a controlled substance currently scheduled in Schedules I through V of
216 Section 58-37-4;
- 217 (B) a substance for which there is an approved new drug application;
- 218 (C) a substance with respect to which an exemption is in effect for investigational
219 use by a particular person under Section 505 of the Food, Drug, and Cosmetic
220 Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is
221 permitted by the exemption;
- 222 (D) any substance to the extent not intended for human consumption before an
223 exemption takes effect with respect to the substance;
- 224 (E) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment,
225 or prevention of disease in man or other animals, which contains ephedrine,
226 pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is
227 lawfully purchased, sold, transferred, or furnished as an over-the-counter
228 medication without prescription; or
- 229 (F) dietary supplements, vitamins, minerals, herbs, or other similar substances
230 including concentrates or extracts, which are not otherwise regulated by law,
231 which may contain naturally occurring amounts of chemical or substances
232 listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah

- 233 Administrative Rulemaking Act.
- 234 (h)(i) "Conviction" means a determination of guilt by verdict, whether jury or bench,
235 or plea, whether guilty or no contest, for any offense proscribed by:
- 236 (A) this chapter;
237 (B) Chapter 37a, Utah Drug Paraphernalia Act;
238 (C) Chapter 37b, Imitation Controlled Substances Act;
239 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
240 (E) Chapter 37d, Clandestine Drug Lab Act; or
- 241 (ii) for any offense under the laws of the United States and any other state which, if
242 committed in this state, would be an offense under:
- 243 (A) this chapter;
244 (B) Chapter 37a, Utah Drug Paraphernalia Act;
245 (C) Chapter 37b, Imitation Controlled Substances Act;
246 (D) Chapter 37c, Utah Controlled Substance Precursor Act; or
247 (E) Chapter 37d, Clandestine Drug Lab Act.
- 248 (i) "Counterfeit substance" means:
- 249 (i) any controlled substance or container or labeling of any controlled substance that:
- 250 (A) without authorization bears the trademark, trade name, or other identifying
251 mark, imprint, number, device, or any likeness of them, of a manufacturer,
252 distributor, or dispenser other than the person or persons who in fact
253 manufactured, distributed, or dispensed the substance which falsely purports to
254 be a controlled substance distributed by any other manufacturer, distributor, or
255 dispenser; and
- 256 (B) a reasonable person would believe to be a controlled substance distributed by
257 an authorized manufacturer, distributor, or dispenser based on the appearance
258 of the substance as described under Subsection (1)(i)(i)(A) or the appearance of
259 the container of that controlled substance; or
- 260 (ii) any substance other than under Subsection (1)(i)(i) that:
- 261 (A) is falsely represented to be any legally or illegally manufactured controlled
262 substance; and
- 263 (B) a reasonable person would believe to be a legal or illegal controlled substance.
- 264 (j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
265 controlled substance or a listed chemical, whether or not an agency relationship exists.
- 266 (k) "Department" means the Department of Commerce.

- 267 (l) "Depressant or stimulant substance" means:
- 268 (i) a drug which contains any quantity of barbituric acid or any of the salts of
- 269 barbituric acid;
- 270 (ii) a drug which contains any quantity of:
- 271 (A) amphetamine or any of its optical isomers;
- 272 (B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
- 273 (C) any substance which the Secretary of Health and Human Services or the
- 274 Attorney General of the United States after investigation has found and by
- 275 regulation designated habit-forming because of its stimulant effect on the
- 276 central nervous system;
- 277 (iii) lysergic acid diethylamide; or
- 278 (iv) any drug which contains any quantity of a substance which the Secretary of
- 279 Health and Human Services or the Attorney General of the United States after
- 280 investigation has found to have, and by regulation designated as having, a
- 281 potential for abuse because of its depressant or stimulant effect on the central
- 282 nervous system or its hallucinogenic effect.
- 283 (m) "Dispense" means the delivery of a controlled substance by a pharmacist to an
- 284 ultimate user pursuant to the lawful order or prescription of a practitioner, and
- 285 includes distributing to, leaving with, giving away, or disposing of that substance as
- 286 well as the packaging, labeling, or compounding necessary to prepare the substance
- 287 for delivery.
- 288 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
- 289 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
- 290 substance or a listed chemical.
- 291 (p) "Distributor" means a person who distributes controlled substances.
- 292 (q) "Division" means the Division of Professional Licensing created in Section 58-1-103.
- 293 (r)(i) "Drug" means:
- 294 (A) a substance recognized in the official United States Pharmacopoeia, Official
- 295 Homeopathic Pharmacopoeia of the United States, or Official National
- 296 Formulary, or any supplement to any of them, intended for use in the
- 297 diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
- 298 animals;
- 299 (B) a substance that is required by any applicable federal or state law or rule to be
- 300 dispensed by prescription only or is restricted to administration by practitioners

- 301 only;
- 302 (C) a substance other than food intended to affect the structure or any function of
- 303 the body of humans or other animals; and
- 304 (D) substances intended for use as a component of any substance specified in
- 305 Subsections (1)(r)(i)(A), (B), and (C).
- 306 (ii) "Drug" does not include dietary supplements.
- 307 (iii) "Drug" includes a food intended for human consumption that intentionally
- 308 contains a vaccine or vaccine material as provided in Section 4-5-107.
- 309 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
- 310 any controlled substance to endanger the public morals, health, safety, or welfare, or
- 311 who is so dependent upon the use of controlled substances as to have lost the power
- 312 of self-control with reference to the individual's dependency.
- 313 (t)(i) "Food" means:
- 314 (A) any nutrient or substance of plant, mineral, or animal origin other than a drug
- 315 as specified in this chapter, and normally ingested by human beings; and
- 316 (B) foods for special dietary uses as exist by reason of a physical, physiological,
- 317 pathological, or other condition including the conditions of disease,
- 318 convalescence, pregnancy, lactation, allergy, hypersensitivity to food,
- 319 underweight, and overweight; uses for supplying a particular dietary need
- 320 which exist by reason of age including the ages of infancy and childbirth, and
- 321 also uses for supplementing and for fortifying the ordinary or unusual diet with
- 322 any vitamin, mineral, or other dietary property for use of a food.
- 323 (ii) Any particular use of a food is a special dietary use regardless of the nutritional
- 324 purposes.
- 325 (u) "Immediate precursor" means a substance which the Attorney General of the United
- 326 States has found to be, and by regulation designated as being, the principal compound
- 327 used or produced primarily for use in the manufacture of a controlled substance, or
- 328 which is an immediate chemical intermediary used or likely to be used in the
- 329 manufacture of a controlled substance, the control of which is necessary to prevent,
- 330 curtail, or limit the manufacture of the controlled substance.
- 331 (v) "Indian" means a member of an Indian tribe.
- 332 (w) "Indian religion" means a religion:
- 333 (i) the origin and interpretation of which is from within a traditional Indian culture or
- 334 community; and

- 335 (ii) that is practiced by Indians.
- 336 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
337 community of Indians, including any Alaska Native village, which is legally
338 recognized as eligible for and is consistent with the special programs, services, and
339 entitlements provided by the United States to Indians because of their status as
340 Indians.
- 341 (y) "Manufacture" means the production, preparation, propagation, compounding, or
342 processing of a controlled substance, either directly or indirectly by extraction from
343 substances of natural origin, or independently by means of chemical synthesis or by a
344 combination of extraction and chemical synthesis.
- 345 (z) "Manufacturer" includes any person who packages, repackages, or labels any
346 container of any controlled substance, except pharmacists who dispense or compound
347 prescription orders for delivery to the ultimate consumer.
- 348 (aa)(i) "Marijuana" means all species of the genus cannabis and all parts of the genus,
349 whether growing or not, including:
- 350 (A) seeds;
- 351 (B) resin extracted from any part of the plant, including the resin extracted from
352 the mature stalks;
- 353 (C) every compound, manufacture, salt, derivative, mixture, or preparation of the
354 plant, seeds, or resin;
- 355 (D) any synthetic equivalents of the substances contained in the plant cannabis
356 sativa or any other species of the genus cannabis which are chemically
357 indistinguishable and pharmacologically active; and
- 358 (E) any component part or cannabinoid extracted or isolated from the plant,
359 including extracted or isolated tetrahydrocannabinols.
- 360 (ii) "Marijuana" does not include:
- 361 (A) the mature stalks of the plant;
- 362 (B) fiber produced from the stalks;
- 363 (C) oil or cake made from the seeds of the plant;
- 364 (D) except as provided in Subsection (1)(aa)(i), any other compound,
365 manufacture, salt, derivative, mixture, or preparation of the mature stalks,
366 fiber, oil or cake;
- 367 (E) the sterilized seed of the plant which is incapable of germination;
- 368 (F) any compound, mixture, or preparation approved by the federal Food and

- 369 Drug Administration under the federal Food, Drug, and Cosmetic Act, 21
370 U.S.C. Sec. 301 et seq. that is not listed in a schedule of controlled substances
371 in Section 58-37-4 or in the federal Controlled Substances Act, Title II, P.L.
372 91-513; or
- 373 (G) transportable industrial hemp concentrate as that term is defined in Section
374 4-41-102.
- 375 (bb) "Money" means officially issued coin and currency of the United States or any
376 foreign country.
- 377 (cc) "Narcotic drug" means any of the following, whether produced directly or indirectly
378 by extraction from substances of vegetable origin, or independently by means of
379 chemical synthesis, or by a combination of extraction and chemical synthesis:
- 380 (i) opium, coca leaves, and opiates;
- 381 (ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves,
382 or opiates;
- 383 (iii) opium poppy and poppy straw; or
- 384 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of
385 the substance, which is chemically identical with any of the substances referred to
386 in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include
387 decocainized coca leaves or extracts of coca leaves which do not contain cocaine
388 or ecgonine.
- 389 (dd) "Negotiable instrument" means documents, containing an unconditional promise to
390 pay a sum of money, which are legally transferable to another party by endorsement
391 or delivery.
- 392 (ee) "Opiate" means any drug or other substance having an addiction-forming or
393 addiction-sustaining liability similar to morphine or being capable of conversion into
394 a drug having addiction-forming or addiction-sustaining liability.
- 395 (ff) "Opium poppy" means the plant of the species *papaver somniferum* L., except the
396 seeds of the plant.
- 397 (gg) "Person" means any corporation, association, partnership, trust, other institution or
398 entity or one or more individuals.
- 399 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 400 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
401 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing,
402 injection, or consumption, as distinguished from distribution, of controlled

403 substances and includes individual, joint, or group possession or use of controlled
404 substances. For a person to be a possessor or user of a controlled substance, it is not
405 required that the person be shown to have individually possessed, used, or controlled
406 the substance, but it is sufficient if it is shown that the person jointly participated with
407 one or more persons in the use, possession, or control of any substances with
408 knowledge that the activity was occurring, or the controlled substance is found in a
409 place or under circumstances indicating that the person had the ability and the intent
410 to exercise dominion and control over the controlled substance.

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

416 (kk) "Prescribe" means to issue a prescription:

417 (i) orally or in writing; or

418 (ii) by telephone, facsimile transmission, computer, or other electronic means of
419 communication as defined by division rule.

420 (ll) "Prescription" means an order issued:

421 (i) by a licensed practitioner, in the course of that practitioner's professional practice
422 or by collaborative pharmacy practice agreement; and

423 (ii) for a controlled substance or other prescription drug or device for use by a patient
424 or an animal.

425 (mm) "Production" means the manufacture, planting, cultivation, growing, or harvesting
426 of a controlled substance.

427 (nn) "Securities" means any stocks, bonds, notes, or other evidences of debt or of
428 property.

429 (oo) "State" means the state of Utah.

430 (pp) "Total kratom alkaloid composition" means the total amount of all alkaloids derived
431 from the *Mitragyna speciosa* plant.

432 [~~(pp)~~] (qq) "Ultimate user" means any person who lawfully possesses a controlled
433 substance for the person's own use, for the use of a member of the person's
434 household, or for administration to an animal owned by the person or a member of
435 the person's household.

436 (2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah

437 Criminal Code, shall apply.

438 Section 7. Section **58-37-4** is amended to read:

439 **58-37-4 . Schedules of controlled substances -- Schedules I through V -- Findings**
440 **required -- Specific substances included in schedules.**

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

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

445 (a) Schedule I:

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

450 (A) Acetyl-alpha-methylfentanyl

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

452 (B) Acetyl fentanyl: (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide);

453 (C) Acetylmethadol;

454 (D) Acryl fentanyl (N-(1-Phenethylpiperidin-4-yl)-N-phenylacrylamide);

455 (E) Allylprodine;

456 (F) Alphacetylmethadol, except levo-alphacetylmethadol also known as
457 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

458 (G) Alphameprodine;

459 (H) Alphamethadol;

460 (I) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]
461 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

462 (J) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
463 piperidinyl]-N-phenylpropanamide);

464 (K) Benzylpiperazine;

465 (L) Benzethidine;

466 (M) Betacetylmethadol;

467 (N) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
468 piperidinyl]-N-phenylpropanamide);

469 (O) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-
470 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

- 471 (P) Betameprodine;
472 (Q) Betamethadol;
473 (R) Betaprodine;
474 (S) Butyryl fentanyl (N-(1-(2-phenylethyl)-4-piperidinyl)-N-phenylbutyramide);
475 (T) Clonitazene;
476 (U) Cyclopropyl fentanyl
477 (N-(1-Phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide);
478 (V) Dextromoramide;
479 (W) Diampromide;
480 (X) Diethylthiambutene;
481 (Y) Difenoxin;
482 (Z) Dimenoxadol;
483 (AA) Dimepheptanol;
484 (BB) Dimethylthiambutene;
485 (CC) Dioxaphetyl butyrate;
486 (DD) Dipipanone;
487 (EE) Ethylmethylthiambutene;
488 (FF) Etizolam
489 (1-Methyl-6-o-chlorophenyl-8-ethyl-4H-s-triazolo[3,4-c]thieno[2,3-e]1,4-diazepine);
490 (GG) Etonitazene;
491 (HH) Etoxeridine;
492 (II) Furanyl fentanyl (N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]
493 furan-2-carboxamide);
494 (JJ) Furethidine;
495 (KK) Hydroxypethidine;
496 (LL) Ketobemidone;
497 (MM) Levomoramide;
498 (NN) Levophenacilmorphan;
499 (OO) Methoxyacetyl fentanyl
500 (2-Methoxy-N-(1-phenylethylpiperidinyl-4-yl)-N-acetamide);
501 (PP) Morpheridine;
502 (QQ) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
503 (RR) Noracymethadol;
504 (SS) Norlevorphanol;

- 505 (TT) Normethadone;
- 506 (UU) Norpipanone;
- 507 (VV) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidiny]
- 508 propanamide);
- 509 (WW) Para-fluoroisobutyryl fentanyl
- 510 (N-(4-Fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide);
- 511 (XX) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 512 (YY) Phenadoxone;
- 513 (ZZ) Phenampromide;
- 514 (AAA) Phenibut;
- 515 (BBB) Phenomorphan;
- 516 (CCC) Phenoperidine;
- 517 (DDD) Piritramide;
- 518 (EEE) Proheptazine;
- 519 (FFF) Properidine;
- 520 (GGG) Propiram;
- 521 (HHH) Racemoramide;
- 522 (III) Tetrahydrofuran fentanyl
- 523 (N-(1-Phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide);
- 524 (JJJ) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]- propanamide;
- 525 (KKK) Tianeptine;
- 526 (LLL) Tilidine;
- 527 (MMM) Trimeperidine;
- 528 (NNN) 3-methylfentanyl, including the optical and geometric isomers
- 529 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide);
- 530 (OOO) 3-methylthiofentanyl
- 531 (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide);
- 532 (PPP) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide also
- 533 known as U-47700; and
- 534 (QQQ) 4-cyano CUMYL-BUTINACA.

535 (ii) Unless specifically excepted or unless listed in another schedule, any of the

536 following opium derivatives, their salts, isomers, and salts of isomers when the

537 existence of the salts, isomers, and salts of isomers is possible within the specific

538 chemical designation:

- 539 (A) Acetorphine;
- 540 (B) Acetyldihydrocodeine;
- 541 (C) Benzylmorphine;
- 542 (D) Codeine methylbromide;
- 543 (E) Codeine-N-Oxide;
- 544 (F) Cyprenorphine;
- 545 (G) Desomorphine;
- 546 (H) Dihydromorphine;
- 547 (I) Drotebanol;
- 548 (J) Etorphine (except hydrochloride salt);
- 549 (K) Heroin;
- 550 (L) Hydromorphenol;
- 551 (M) Methyldesorphine;
- 552 (N) Methylhydromorphine;
- 553 (O) Morphine methylbromide;
- 554 (P) Morphine methylsulfonate;
- 555 (Q) Morphine-N-Oxide;
- 556 (R) Myrophine;
- 557 (S) Nicocodeine;
- 558 (T) Nicomorphine;
- 559 (U) Normorphine;
- 560 (V) Pholcodine; and
- 561 (W) Thebacon.
- 562 (iii) Unless specifically excepted or unless listed in another schedule, any material,
- 563 compound, mixture, or preparation which contains any quantity of the following
- 564 hallucinogenic substances, or which contains any of their salts, isomers, and salts
- 565 of isomers when the existence of the salts, isomers, and salts of isomers is possible
- 566 within the specific chemical designation; as used in this Subsection (2)(a)(iii)
- 567 only, "isomer" includes the optical, position, and geometric isomers:
- 568 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase; α
- 569 -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET;
- 570 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:
- 571 4-bromo-2,5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA;
- 572 (C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names:

- 573 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB;
 574 2C-B, Nexus;
- 575 (D) 2,5-dimethoxyamphetamine, some trade or other names: 2,5-dimethoxy- α
 576 -methylphenethylamine; 2,5-DMA;
- 577 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;
- 578 (F) 4-methoxyamphetamine, some trade or other names: 4-methoxy- α
 579 -methylphenethylamine; paramethoxyamphetamine, PMA;
- 580 (G) 5-methoxy-3,4-methylenedioxyamphetamine;
- 581 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names:
 582 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP";
- 583 (I) 3,4-methylenedioxy amphetamine;
- 584 (J) 3,4-methylenedioxymethamphetamine (MDMA);
- 585 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
 586 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE,
 587 MDEA;
- 588 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
 589 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy
 590 MDA;
- 591 (M) 3,4,5-trimethoxy amphetamine;
- 592 (N) Bufotenine, some trade and other names: 3-(β
 593 -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
 594 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
- 595 (O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
- 596 (P) Dimethyltryptamine, some trade or other names: DMT;
- 597 (Q) Ibogaine, some trade and other names: 7-Ethyl-6,6 β
 598 ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2]
 599 azepino [5,4-b] indole; Tabernanthe iboga;
- 600 (R) Lysergic acid diethylamide;
- 601 (S) Marijuana;
- 602 (T) Mescaline;
- 603 (U) Parahexyl, some trade or other names:
 604 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran;
 605 Synhexyl;
- 606 (V) Peyote, meaning all parts of the plant presently classified botanically as

- 607 Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any
608 extract from any part of such plant, and every compound, manufacture, salts,
609 derivative, mixture, or preparation of such plant, its seeds or extracts
610 (Interprets 21 USC 812(c), Schedule I(c) (12));
- 611 (W) N-ethyl-3-piperidyl benzilate;
- 612 (X) N-methyl-3-piperidyl benzilate;
- 613 (Y) Psilocybin;
- 614 (Z) Psilocyn;
- 615 (AA) Tetrahydrocannabinols, naturally contained in a plant of the genus Cannabis
616 (cannabis plant), except for marijuana as defined in Subsection 58-37-2
617 (1)(aa)(i)(E), as well as synthetic equivalents of the substances contained in the
618 cannabis plant, or in the resinous extractives of Cannabis, sp. and/or synthetic
619 substances, derivatives, and their isomers with similar chemical structure and
620 pharmacological activity to those substances contained in the plant, such as the
621 following: Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers Δ^6 cis or
622 trans tetrahydrocannabinol, and their optical isomers $\Delta^3,4$ cis or trans
623 tetrahydrocannabinol, and its optical isomers, and since nomenclature of these
624 substances is not internationally standardized, compounds of these structures,
625 regardless of numerical designation of atomic positions covered;
- 626 (BB) Ethylamine analog of phencyclidine, some trade or other names:
627 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,
628 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 629 (CC) Pyrrolidine analog of phencyclidine, some trade or other names:
630 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
- 631 (DD) Thiophene analog of phencyclidine, some trade or other names:
632 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine,
633 TPCP, TCP; and
- 634 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
- 635 (iv) Unless specifically excepted or unless listed in another schedule, any material
636 compound, mixture, or preparation which contains any quantity of the following
637 substances having a depressant effect on the central nervous system, including its
638 salts, isomers, and salts of isomers when the existence of the salts, isomers, and
639 salts of isomers is possible within the specific chemical designation:
- 640 (A) Mecloqualone; and

- 641 (B) Methaqualone.
- 642 (v) Any material, compound, mixture, or preparation containing any quantity of the
643 following substances having a stimulant effect on the central nervous system,
644 including their salts, isomers, and salts of isomers:
- 645 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
646 or 4,5-dihydro-5-phenyl-2-oxazolamine;
- 647 (B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone,
648 alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
- 649 (C) Fenethylamine;
- 650 (D) Methcathinone, some other names: 2-(methylamino)-propionophenone;
651 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
652 alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone;
653 N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432,
654 its salts, optical isomers, and salts of optical isomers;
- 655 (E) (\pm)cis-4-methylaminorex ((\pm)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 656 (F) N-ethylamphetamine; and
- 657 (G) N,N-dimethylamphetamine, also known as
658 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
- 659 (vi) Any material, compound, mixture, or preparation which contains any quantity of
660 the following substances, including their optical isomers, salts, and salts of
661 isomers, subject to temporary emergency scheduling:
- 662 (A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
663 (B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl).
- 664 (vii) Unless specifically excepted or unless listed in another schedule, any material,
665 compound, mixture, or preparation which contains any quantity of gamma
666 hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and
667 salts of isomers.
- 668 (viii) Unless specifically excepted or unless listed in another schedule, the following
669 substances commonly found in *Mitragyna speciosa*, including synthetic versions,
670 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, when the
671 existence of the isomers, esters, ethers, and salts is possible within the specific
672 chemical designation:
- 673 (A) 7-hydroxymitragynine (methyl
674 (E)-2[(2S,3S,7aS,12bS)-3-ethyl-7a-hydroxy-8-methoxy-2,3,4,6,7,12b-hexahydro-

675 1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate), that is
676 concentrated at a level greater than .4% of the total kratom alkaloid
677 composition of any substance or product; and

678 (B) Mitragynine pseudoindoxyl (methyl
679 (E)-2-[(2S,6'S,7'S,8'aS)-6'-ethyl-4-methoxy-3-oxospiro[1H-indole-2,1'-3,5,6,7,8,8a-
680 hexahydro-2H-indolizine]-7'-yl]-3-methoxyprop-2-enoate).

681 (b) Schedule II:

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

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

- 689 (I) Raw opium;
690 (II) Opium extracts;
691 (III) Opium fluid;
692 (IV) Powdered opium;
693 (V) Granulated opium;
694 (VI) Tincture of opium;
695 (VII) Codeine;
696 (VIII) Ethylmorphine;
697 (IX) Etorphine hydrochloride;
698 (X) Hydrocodone;
699 (XI) Hydromorphone;
700 (XII) Metopon;
701 (XIII) Morphine;
702 (XIV) Oxycodone;
703 (XV) Oxymorphone; and
704 (XVI) Thebaine;

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

- 709 (C) Opium poppy and poppy straw;
- 710 (D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves,
711 and any salt, compound, derivative, or preparation which is chemically
712 equivalent or identical with any of these substances, and includes cocaine and
713 ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives,
714 whether derived from the coca plant or synthetically produced, except the
715 substances may not include decocainized coca leaves or extraction of coca
716 leaves, which extractions do not contain cocaine or ecgonine; and
- 717 (E) Concentrate of poppy straw, which means the crude extract of poppy straw in
718 either liquid, solid, or powder form which contains the phenanthrene alkaloids
719 of the opium poppy.
- 720 (ii) Unless specifically excepted or unless listed in another schedule, any of the
721 following opiates, including their isomers, esters, ethers, salts, and salts of
722 isomers, esters, and ethers, when the existence of the isomers, esters, ethers, and
723 salts is possible within the specific chemical designation, except dextrorphan and
724 levopropoxyphene:
- 725 (A) Alfentanil;
- 726 (B) Alphaprodine;
- 727 (C) Anileridine;
- 728 (D) Bezitramide;
- 729 (E) Bulk dextropropoxyphene (nondosage forms);
- 730 (F) Carfentanil;
- 731 (G) Dihydrocodeine;
- 732 (H) Diphenoxylate;
- 733 (I) Fentanyl;
- 734 (J) Isomethadone;
- 735 (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol,
736 levomethadyl acetate, or LAAM;
- 737 (L) Levomethorphan;
- 738 (M) Levorphanol;
- 739 (N) Metazocine;
- 740 (O) Methadone;
- 741 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- 742 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1,

- 743 1-diphenylpropane-carboxylic acid;
- 744 (R) Pethidine (meperidine);
- 745 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 746 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 747 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 748 (V) Phenazocine;
- 749 (W) Piminodine;
- 750 (X) Racemethorphan;
- 751 (Y) Racemorphan;
- 752 (Z) Remifentanyl; and
- 753 (AA) Sufentanyl.
- 754 (iii) Unless specifically excepted or unless listed in another schedule, any material,
- 755 compound, mixture, or preparation which contains any quantity of the following
- 756 substances having a stimulant effect on the central nervous system:
- 757 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 758 (B) Methamphetamine, its salts, isomers, and salts of its isomers;
- 759 (C) Phenmetrazine and its salts; and
- 760 (D) Methylphenidate.
- 761 (iv) Unless specifically excepted or unless listed in another schedule, any material,
- 762 compound, mixture, or preparation which contains any quantity of the following
- 763 substances having a depressant effect on the central nervous system, including its
- 764 salts, isomers, and salts of isomers when the existence of the salts, isomers, and
- 765 salts of isomers is possible within the specific chemical designation:
- 766 (A) Amobarbital;
- 767 (B) Glutethimide;
- 768 (C) Pentobarbital;
- 769 (D) Phencyclidine;
- 770 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and
- 771 1-piperidinocyclohexanecarbonitrile (PCC); and
- 772 (F) Secobarbital.
- 773 (v)(A) Unless specifically excepted or unless listed in another schedule, any
- 774 material, compound, mixture, or preparation which contains any quantity of
- 775 Phenylacetone.
- 776 (B) Some of these substances may be known by trade or other names:

777 phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone.

778 (vi) Nabilone, another name for nabilone: (\pm

779)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,

780 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

781 (vii) A drug product or preparation that contains any component of marijuana,

782 including tetrahydrocannabinol, and is approved by the United States Food and

783 Drug Administration and scheduled by the Drug Enforcement Administration in

784 Schedule II of the federal Controlled Substances Act, Title II, P.L. 91-513.

785 (c) Schedule III:

786 (i) Unless specifically excepted or unless listed in another schedule, any material,

787 compound, mixture, or preparation which contains any quantity of the following

788 substances having a stimulant effect on the central nervous system, including its

789 salts, isomers whether optical, position, or geometric, and salts of the isomers

790 when the existence of the salts, isomers, and salts of isomers is possible within the

791 specific chemical designation:

792 (A) Those compounds, mixtures, or preparations in dosage unit form containing

793 any stimulant substances listed in Schedule II, which compounds, mixtures, or

794 preparations were listed on August 25, 1971, as excepted compounds under

795 Section 1308.32 of Title 21 of the Code of Federal Regulations, and any other

796 drug of the quantitative composition shown in that list for those drugs or which

797 is the same except that it contains a lesser quantity of controlled substances;

798 (B) Benzphetamine;

799 (C) Chlorphentermine;

800 (D) Clortermine; and

801 (E) Phendimetrazine.

802 (ii) Unless specifically excepted or unless listed in another schedule, any material,

803 compound, mixture, or preparation which contains any quantity of the following

804 substances having a depressant effect on the central nervous system:

805 (A) Any compound, mixture, or preparation containing amobarbital, secobarbital,

806 pentobarbital, or any salt of any of them, and one or more other active

807 medicinal ingredients which are not listed in any schedule;

808 (B) Any suppository dosage form containing amobarbital, secobarbital, or

809 pentobarbital, or any salt of any of these drugs which is approved by the United

810 States Food and Drug Administration for marketing only as a suppository;

- 811 (C) Any substance which contains any quantity of a derivative of barbituric acid
812 or any salt of any of them;
- 813 (D) Chlorhexadol;
- 814 (E) Buprenorphine;
- 815 (F) Any drug product containing gamma hydroxybutyric acid, including its salts,
816 isomers, and salts of isomers, for which an application is approved under the
817 federal Food, Drug, and Cosmetic Act, Section 505;
- 818 (G) Ketamine, its salts, isomers, and salts of isomers, some other names for
819 ketamine: \pm -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;
- 820 (H) Lysergic acid;
- 821 (I) Lysergic acid amide;
- 822 (J) Methyprylon;
- 823 (K) Sulfondiethylmethane;
- 824 (L) Sulfonethylmethane;
- 825 (M) Sulfonmethane; and
- 826 (N) Tiletamine and zolazepam or any of their salts, some trade or other names for
827 a tiletamine-zolazepam combination product: Telazol, some trade or other
828 names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade
829 or other names for zolazepam:
830 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]
831 [1,4]-diazepin-7(1H)-one, flupyrazapon.
- 832 (iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
833 a U.S. Food and Drug Administration approved drug product, some other names
834 for dronabinol:
835 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol,
836 or (-)-delta-9-(trans)-tetrahydrocannabinol.
- 837 (iv) Nalorphine.
- 838 (v) Unless specifically excepted or unless listed in another schedule, any material,
839 compound, mixture, or preparation containing limited quantities of any of the
840 following narcotic drugs, or their salts calculated as the free anhydrous base or
841 alkaloid:
- 842 (A) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
843 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline
844 alkaloid of opium;

- 845 (B) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90
846 milligrams per dosage unit, with one or more active non-narcotic ingredients in
847 recognized therapeutic amounts;
- 848 (C) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
849 more than 15 milligrams per dosage unit, with a fourfold or greater quantity of
850 an isoquinoline alkaloid of opium;
- 851 (D) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not
852 more than 15 milligrams per dosage unit, with one or more active, non-narcotic
853 ingredients in recognized therapeutic amounts;
- 854 (E) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more
855 than 90 milligrams per dosage unit, with one or more active non-narcotic
856 ingredients in recognized therapeutic amounts;
- 857 (F) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more
858 than 15 milligrams per dosage unit, with one or more active, non-narcotic
859 ingredients in recognized therapeutic amounts;
- 860 (G) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams,
861 or not more than 25 milligrams per dosage unit, with one or more active,
862 non-narcotic ingredients in recognized therapeutic amounts; and
- 863 (H) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams
864 with one or more active, non-narcotic ingredients in recognized therapeutic
865 amounts.
- 866 (vi) Unless specifically excepted or unless listed in another schedule, anabolic
867 steroids including any of the following or any isomer, ester, salt, or derivative of
868 the following that promotes muscle growth:
- 869 (A) Boldenone;
- 870 (B) Chlorotestosterone (4-chlortestosterone);
- 871 (C) Clostebol;
- 872 (D) Dehydrochlormethyltestosterone;
- 873 (E) Dihydrotestosterone (4-dihydrotestosterone);
- 874 (F) Drostanolone;
- 875 (G) Ethylestrenol;
- 876 (H) Fluoxymesterone;
- 877 (I) Formebolone (formebolone);
- 878 (J) Mesterolone;

- 879 (K) Methandienone;
880 (L) Methandranone;
881 (M) Methandriol;
882 (N) Methandrostenolone;
883 (O) Methenolone;
884 (P) Methyltestosterone;
885 (Q) Mibolerone;
886 (R) Nandrolone;
887 (S) Norethandrolone;
888 (T) Oxandrolone;
889 (U) Oxymesterone;
890 (V) Oxymetholone;
891 (W) Stanolone;
892 (X) Stanozolol;
893 (Y) Testolactone;
894 (Z) Testosterone; and
895 (AA) Trenbolone.
- 896 (vii) Anabolic steroids expressly intended for administration through implants to
897 cattle or other nonhuman species, and approved by the Secretary of Health and
898 Human Services for use, may not be classified as a controlled substance.
- 899 (viii) A drug product or preparation that contains any component of marijuana,
900 including tetrahydrocannabinol, and is approved by the United States Food and
901 Drug Administration and scheduled by the Drug Enforcement Administration in
902 Schedule III of the federal Controlled Substances Act, Title II, P.L. 91-513.
- 903 (ix) Nabiximols.
- 904 (d) Schedule IV:
- 905 (i) Unless specifically excepted or unless listed in another schedule, any material,
906 compound, mixture, or preparation containing not more than 1 milligram of
907 difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit, or
908 any salts of any of them.
- 909 (ii) Unless specifically excepted or unless listed in another schedule, any material,
910 compound, mixture, or preparation which contains any quantity of the following
911 substances, including its salts, isomers, and salts of isomers when the existence of
912 the salts, isomers, and salts of isomers is possible within the specific chemical

- 913 designation:
- 914 (A) Alprazolam;
- 915 (B) Barbitol;
- 916 (C) Bromazepam;
- 917 (D) Butorphanol;
- 918 (E) Camazepam;
- 919 (F) Carisoprodol;
- 920 (G) Chloral betaine;
- 921 (H) Chloral hydrate;
- 922 (I) Chlordiazepoxide;
- 923 (J) Clobazam;
- 924 (K) Clonazepam;
- 925 (L) Clorazepate;
- 926 (M) Clotiazepam;
- 927 (N) Cloxazolam;
- 928 (O) Delorazepam;
- 929 (P) Diazepam;
- 930 (Q) Dichloralphenazone;
- 931 (R) Estazolam;
- 932 (S) Ethchlorvynol;
- 933 (T) Ethinamate;
- 934 (U) Ethyl loflazepate;
- 935 (V) Fludiazepam;
- 936 (W) Flunitrazepam;
- 937 (X) Flurazepam;
- 938 (Y) Halazepam;
- 939 (Z) Haloxazolam;
- 940 (AA) Ketazolam;
- 941 (BB) Loprazolam;
- 942 (CC) Lorazepam;
- 943 (DD) Lormetazepam;
- 944 (EE) Mebutamate;
- 945 (FF) Medazepam;
- 946 (GG) Meprobamate;

- 947 (HH) Methohexital;
- 948 (II) Methylphenobarbital (mephobarbital);
- 949 (JJ) Midazolam;
- 950 (KK) Nimetazepam;
- 951 (LL) Nitrazepam;
- 952 (MM) Nordiazepam;
- 953 (NN) Oxazepam;
- 954 (OO) Oxazolam;
- 955 (PP) Paraldehyde;
- 956 (QQ) Pentazocine;
- 957 (RR) Petrichloral;
- 958 (SS) Phenobarbital;
- 959 (TT) Pinazepam;
- 960 (UU) Prazepam;
- 961 (VV) Quazepam;
- 962 (WW) Temazepam;
- 963 (XX) Tetrazepam;
- 964 (YY) Tramadol;
- 965 (ZZ) Triazolam;
- 966 (AAA) Zaleplon; and
- 967 (BBB) Zolpidem.
- 968 (iii) Any material, compound, mixture, or preparation of fenfluramine which contains
- 969 any quantity of the following substances, including its salts, isomers whether
- 970 optical, position, or geometric, and salts of the isomers when the existence of the
- 971 salts, isomers, and salts of isomers is possible.
- 972 (iv) Unless specifically excepted or unless listed in another schedule, any material,
- 973 compound, mixture, or preparation which contains any quantity of the following
- 974 substances having a stimulant effect on the central nervous system, including its
- 975 salts, isomers whether optical, position, or geometric isomers, and salts of the
- 976 isomers when the existence of the salts, isomers, and salts of isomers is possible
- 977 within the specific chemical designation:
- 978 (A) Cathine ((+)-norpseudoephedrine);
- 979 (B) Diethylpropion;
- 980 (C) Fencamfamine;

- 981 (D) Fenproporex;
- 982 (E) Mazindol;
- 983 (F) Mefenorex;
- 984 (G) Modafinil;
- 985 (H) Pemoline, including organometallic complexes and chelates thereof;
- 986 (I) Phentermine;
- 987 (J) Pipradrol;
- 988 (K) Sibutramine; and
- 989 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 990 (v) Unless specifically excepted or unless listed in another schedule, any material,
- 991 compound, mixture, or preparation which contains any quantity of
- 992 dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
- 993 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.
- 994 (vi) A drug product or preparation that contains any component of marijuana and is
- 995 approved by the United States Food and Drug Administration and scheduled by
- 996 the Drug Enforcement Administration in Schedule IV of the federal Controlled
- 997 Substances Act, Title II, P.L. 91-513.
- 998 (e) Schedule V:
- 999 (i) Any compound, mixture, or preparation containing any of the following limited
- 1000 quantities of narcotic drugs, or their salts calculated as the free anhydrous base or
- 1001 alkaloid, which includes one or more non-narcotic active medicinal ingredients in
- 1002 sufficient proportion to confer upon the compound, mixture, or preparation
- 1003 valuable medicinal qualities other than those possessed by the narcotic drug alone:
- 1004 (A) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- 1005 (B) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100
- 1006 grams;
- 1007 (C) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100
- 1008 grams;
- 1009 (D) not more than 2.5 milligrams of diphenoxylate and not less than 25
- 1010 micrograms of atropine sulfate per dosage unit;
- 1011 (E) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- 1012 (F) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of
- 1013 atropine sulfate per dosage unit; and
- 1014 (G) unless specifically exempted or excluded or unless listed in another schedule,

1015 any material, compound, mixture, or preparation which contains Pyrovalerone
1016 having a stimulant effect on the central nervous system, including its salts,
1017 isomers, and salts of isomers.

1018 (ii) A drug product or preparation that contains any component of marijuana,
1019 including cannabidiol, and is approved by the United States Food and Drug
1020 Administration and scheduled by the Drug Enforcement Administration in
1021 Schedule V of the federal Controlled Substances Act, Title II, P.L. 91-513.

1022 (iii) Gabapentin.

1023 Section 8. **Effective Date.**

1024 This bill takes effect on May 6, 2026.