

1                                   **AMENDMENTS TO CONTROLLED SUBSTANCE**

2   **ACT**

3   2003 GENERAL SESSION

4   STATE OF UTAH

5   **Sponsor: Peter C. Knudson**

6 **This act modifies the Controlled Substance Act by prohibiting the refill of a Schedule II**  
7 **controlled substance, adds dichloralphenazone under Schedule IV, reschedules**  
8 **buprenorphine to Schedule III, and provides that gamma hydroxy butyrate (GHB) that is**  
9 **used in an FDA-approved formulation is in Schedule III.**

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

11 AMENDS:

12                   **58-37-4**, as last amended by Chapters 213 and 271, Laws of Utah 2000

13                   **58-37-5.5**, as enacted by Chapter 271, Laws of Utah 2000

14                   **58-37-6**, as last amended by Chapter 137, Laws of Utah 2002

15                   **58-37-8**, as last amended by Chapters 12 and 303, Laws of Utah 1999

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

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

18                   **58-37-4. Schedules of controlled substances -- Schedules I through V -- Findings**  
19 **required -- Specific substances included in schedules.**

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

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

24                   (a) Schedule I:

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



28 chemical designation:

29 (A) Acetyl-alpha-methylfentanyl

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

31 (B) Acetylmethadol;

32 (C) Allylprodine;

33 (D) Alphacetylmethadol, except levo-alphacetylmethadol also known as

34 levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

35 (E) Alphameprodine;

36 (F) Alphamethadol;

37 (G) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]

38 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N- propanilido) piperidine);

39 (H) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-

40 piperidinyl]-N-phenylpropanamide);

41 (I) Benzethidine;

42 (J) Betacetylmethadol;

43 (K) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-

44 piperidinyl]-N-phenylpropanamide);

45 (L) Beta-hydroxy-3-methylfentanyl, other name: N-[1-(2-hydroxy-2-

46 phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

47 (M) Betameprodine;

48 (N) Betamethadol;

49 (O) Betaprodine;

50 (P) Clonitazene;

51 (Q) Dextromoramide;

52 (R) Diampromide;

53 (S) Diethylthiambutene;

54 (T) Difenoxin;

55 (U) Dimenoxadol;

56 (V) Dimepheptanol;

57 (W) Dimethylthiambutene;

58 (X) Dioxaphetyl butyrate;

- 59 (Y) Dipipanone;  
60 (Z) Ethylmethylthiambutene;  
61 (AA) Etonitazene;  
62 (BB) Etoxeridine;  
63 (CC) Furethidine;  
64 (DD) Hydroxypethidine;  
65 (EE) Ketobemidone;  
66 (FF) Levomoramide;  
67 (GG) Levophenacylmorphane;  
68 (HH) Morpheridine;  
69 (II) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);  
70 (JJ) Noracymethadol;  
71 (KK) Norlevorphanol;  
72 (LL) Normethadone;  
73 (MM) Norpipanone;  
74 (NN) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]  
75 propanamide;  
76 (OO) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);  
77 (PP) Phenadoxone;  
78 (QQ) Phenampromide;  
79 (RR) Phenomorphan;  
80 (SS) Phenoperidine;  
81 (TT) Piritramide;  
82 (UU) Proheptazine;  
83 (VV) Properidine;  
84 (WW) Propiram;  
85 (XX) Racemoramide;  
86 (YY) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;  
87 (ZZ) Tilidine;  
88 (AAA) Trimeperidine;  
89 (BBB) 3-methylfentanyl, including the optical and geometric isomers

90 (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]- N-phenylpropanamide); and  
91 (CCC) 3-methylthiofentanyl

92 (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

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

96 (A) Acetorphine;

97 (B) Acetyldihydrocodeine;

98 (C) Benzylmorphine;

99 (D) Codeine methylbromide;

100 (E) Codeine-N-Oxide;

101 (F) Cyprenorphine;

102 (G) Desomorphine;

103 (H) Dihydromorphine;

104 (I) Drotebanol;

105 (J) Etorphine (except hydrochloride salt);

106 (K) Heroin;

107 (L) Hydromorphenol;

108 (M) Methyldesorphine;

109 (N) Methylhydromorphine;

110 (O) Morphine methylbromide;

111 (P) Morphine methylsulfonate;

112 (Q) Morphine-N-Oxide;

113 (R) Myrophine;

114 (S) Nicocodeine;

115 (T) Nicomorphine;

116 (U) Normorphine;

117 (V) Pholcodine; and

118 (W) Thebacon.

119 (iii) Unless specifically excepted or unless listed in another schedule, any material,  
120 compound, mixture, or preparation which contains any quantity of the following hallucinogenic

121 substances, or which contains any of their salts, isomers, and salts of isomers when the  
122 existence of the salts, isomers, and salts of isomers is possible within the specific chemical  
123 designation; as used in this Subsection (2)(iii) only, "isomer" includes the optical, position, and  
124 geometric isomers:

125 (A) Alpha-ethyltryptamine, some trade or other names: etryptamine; Monase;  
126  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -ET; and AET;

127 (B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:  
128 4-bromo-2,5-dimethoxy- $\alpha$ -methylphenethylamine; 4-bromo-2,5-DMA;

129 (C) 4-bromo-2,5-dimethoxypenethylamine, some trade or other names:  
130 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;

131 (D) 2,5-dimethoxyamphetamine, some trade or other names:  
132 2,5-dimethoxy- $\alpha$ -methylphenethylamine; 2,5-DMA;

133 (E) 2,5-dimethoxy-4-ethylamphetamine, some trade or other names: DOET;

134 (F) 4-methoxyamphetamine, some trade or other names:

135 4-methoxy- $\alpha$ -methylphenethylamine; paramethoxyamphetamine, PMA;

136 (G) 5-methoxy-3,4-methylenedioxyamphetamine;

137 (H) 4-methyl-2,5-dimethoxy-amphetamine, some trade and other names:  
138 4-methyl-2,5-dimethoxy- $\alpha$ -methylphenethylamine; "DOM"; and "STP";

139 (I) 3,4-methylenedioxy amphetamine;

140 (J) 3,4-methylenedioxymethamphetamine (MDMA);

141 (K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-  
142 alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;

143 (L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as  
144 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;

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

146 (N) Bufotenine, some trade and other names: 3-( $\beta$

147 -Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,

148 N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

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

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

151 (Q) Ibogaine, some trade and other names:

- 152 7-Ethyl-6,6 $\beta$ ,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino  
153 [5,4-b] indole; Tabernanthe iboga;
- 154 (R) Lysergic acid diethylamide;
- 155 (S) Marijuana;
- 156 (T) Mescaline;
- 157 (U) Parahexyl, some trade or other names:
- 158 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl;
- 159 (V) Peyote, meaning all parts of the plant presently classified botanically as  
160 *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from  
161 any part of such plant, and every compound, manufacture, salts, derivative, mixture, or  
162 preparation of such plant, its seeds or extracts (Interprets 21 USC 812(c), Schedule I(c) (12));
- 163 (W) N-ethyl-3-piperidyl benzilate;
- 164 (X) N-methyl-3-piperidyl benzilate;
- 165 (Y) Psilocybin;
- 166 (Z) Psilocyn;
- 167 (AA) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the  
168 plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives,  
169 and their isomers with similar chemical structure and pharmacological activity such as the  
170 following:  $\Delta$ 1 cis or trans tetrahydrocannabinol, and their optical isomers  $\Delta$ 6 cis or trans  
171 tetrahydrocannabinol, and their optical isomers  $\Delta$ 3,4 cis or trans tetrahydrocannabinol, and its  
172 optical isomers, and since nomenclature of these substances is not internationally standardized,  
173 compounds of these structures, regardless of numerical designation of atomic positions  
174 covered;
- 175 (BB) Ethylamine analog of phencyclidine, some trade or other names:  
176 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,  
177 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
- 178 (CC) Pyrrolidine analog of phencyclidine, some trade or other names:  
179 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
- 180 (DD) Thiophene analog of phencyclidine, some trade or other names:  
181 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP; and  
182 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.

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

188 (A) Mecloqualone; and

189 (B) Methaqualone.

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

193 (A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or  
194 4,5-dihydro-5-phenyl-2-oxazolamine;

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

197 (C) Fenethylamine;

198 (D) Methcathinone, some other names: 2-(methylamino)-propionophenone;

199 alpha-(methylamino)propionophenone; 2-(methylamino)-1-phenylpropan-1-one;

200 alpha-N-methylaminopropionophenone; monomethylpropion; ephedrone; N-methylcathinone;

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

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

204 (F) N-ethylamphetamine; and

205 (G) N,N-dimethylamphetamine, also known as

206 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.

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

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

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

212 (vii) Unless specifically excepted or unless listed in another schedule, any material,  
213 compound, mixture, or preparation which contains any quantity of gamma hydroxy butyrate

214 (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.

215 (b) Schedule II:

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

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

223 (I) Raw opium;

224 (II) Opium extracts;

225 (III) Opium fluid;

226 (IV) Powdered opium;

227 (V) Granulated opium;

228 (VI) Tincture of opium;

229 (VII) Codeine;

230 (VIII) Ethylmorphine;

231 (IX) Etorphine hydrochloride;

232 (X) Hydrocodone;

233 (XI) Hydromorphone;

234 (XII) Metopon;

235 (XIII) Morphine;

236 (XIV) Oxycodone;

237 (XV) Oxymorphone; and

238 (XVI) Thebaine;

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

242 (C) Opium poppy and poppy straw;

243 (D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
244 any salt, compound, derivative, or preparation which is chemically equivalent or identical with



245 any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives,  
246 and salts of isomers and derivatives, whether derived from the coca plant or synthetically  
247 produced, except the substances may not include decocainized coca leaves or extraction of coca  
248 leaves, which extractions do not contain cocaine or ecgonine; and

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

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

255 (A) Alfentanil;

256 (B) Alphaprodine;

257 (C) Anileridine;

258 (D) Bezitramide;

259 (E) Bulk dextropropoxyphene (nondosage forms);

260 (F) Carfentanil;

261 (G) Dihydrocodeine;

262 (H) Diphenoxylate;

263 (I) Fentanyl;

264 (J) Isomethadone;

265 (K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol,  
266 levomethadyl acetate, or LAAM;

267 (L) Levomethorphan;

268 (M) Levorphanol;

269 (N) Metazocine;

270 (O) Methadone;

271 (P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

272 (Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic  
273 acid;

274 (R) Pethidine (meperidine);

275 (S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

- 276 (T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;  
277 (U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
278 (V) Phenazocine;  
279 (W) Piminodine;  
280 (X) Racemethorphan;  
281 (Y) Racemorphan;  
282 (Z) Remifentanil; and  
283 (AA) Sufentanil.
- 284 (iii) Unless specifically excepted or unless listed in another schedule, any material,  
285 compound, mixture, or preparation which contains any quantity of the following substances  
286 having a stimulant effect on the central nervous system:
- 287 (A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
288 (B) Methamphetamine, its salts, isomers, and salts of its isomers;  
289 (C) Phenmetrazine and its salts; and  
290 (D) Methylphenidate.
- 291 (iv) Unless specifically excepted or unless listed in another schedule, any material,  
292 compound, mixture, or preparation which contains any quantity of the following substances  
293 having a depressant effect on the central nervous system, including its salts, isomers, and salts  
294 of isomers when the existence of the salts, isomers, and salts of isomers is possible within the  
295 specific chemical designation:
- 296 (A) Amobarbital;  
297 (B) Glutethimide;  
298 (C) Pentobarbital;  
299 (D) Phencyclidine;  
300 (E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and  
301 1-piperidinocyclohexanecarbonitrile (PCC); and  
302 (F) Secobarbital.
- 303 (v) Unless specifically excepted or unless listed in another schedule, any material,  
304 compound, mixture, or preparation which contains any quantity of Phenylacetone.
- 305 Some of these substances may be known by trade or other names: phenyl-2-propanone,  
306 P2P; benzyl methyl ketone, methyl benzyl ketone.

307 (vi) Nabilone, another name for nabilone:  
308 ( $\pm$ )-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,  
309 6-dimethyl-9H-dibenzo[b,d]pyran-9-one.

310 (c) Schedule III:

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

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

322 (B) Benzphetamine;

323 (C) Chlorphentermine;

324 (D) Clortermine; and

325 (E) Phendimetrazine.

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

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

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

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

337 (D) Chlorhexadol;

338 (E) Buprenorphine;

339 (F) Any drug product containing gamma hydroxybutyric acid, including its salts,  
340 isomers, and salts of isomers, for which an application is approved under the federal Food,  
341 Drug, and Cosmetic Act, Section 505;

342 [~~E~~] (G) Ketamine, its salts, isomers, and salts of isomers, some other names for  
343 ketamine:  $\pm$  -2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone.

344 [~~F~~] (H) Lysergic acid;

345 [~~G~~] (I) Lysergic acid amide;

346 [~~H~~] (J) Methyprylon;

347 [~~I~~] (K) Sulfondiethylmethane;

348 [~~J~~] (L) Sulfonethylmethane;

349 [~~K~~] (M) Sulfonmethane; and

350 [~~L~~] (N) Tiletamine and zolazepam or any of their salts, some trade or other names for  
351 a tiletamine-zolazepam combination product: Telazol, some trade or other names for  
352 tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade or other names for  
353 zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e]  
354 [1,4]-diazepin-7(1H)-one, flupyrazapon.

355 (iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a  
356 U.S. Food and Drug Administration approved drug product, some other names for dronabinol:  
357 (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or  
358 (-)-delta-9-(trans)-tetrahydrocannabinol.

359 (iv) Nalorphine.

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

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

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

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

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

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

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

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

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

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

389 (A) Boldenone;

390 (B) Chlorotestosterone (4-chlortestosterone);

391 (C) Clostebol;

392 (D) Dehydrochlormethyltestosterone;

393 (E) Dihydrotestosterone (4-dihydrotestosterone);

394 (F) Drostanolone;

395 (G) Ethylestrenol;

396 (H) Fluoxymesterone;

397 (I) Formebolone (formebolone);

398 (J) Mesterolone;

399 (K) Methandienone;

- 400 (L) Methandranone;
- 401 (M) Methandriol;
- 402 (N) Methandrostenolone;
- 403 (O) Methenolone;
- 404 (P) Methyltestosterone;
- 405 (Q) Mibolerone;
- 406 (R) Nandrolone;
- 407 (S) Norethandrolone;
- 408 (T) Oxandrolone;
- 409 (U) Oxymesterone;
- 410 (V) Oxymetholone;
- 411 (W) Stanolone;
- 412 (X) Stanozolol;
- 413 (Y) Testolactone;
- 414 (Z) Testosterone; and
- 415 (AA) Trenbolone.

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

419 (d) Schedule IV:

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

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

- 427 (A) Alprazolam;
- 428 (B) Barbital;
- 429 (C) Bromazepam;
- 430 (D) Butorphanol;

- 431 (E) Camazepam;  
432 (F) Chloral betaine;  
433 (G) Chloral hydrate;  
434 (H) Chlordiazepoxide;  
435 (I) Clobazam;  
436 (J) Clonazepam;  
437 (K) Clorazepate;  
438 (L) Clotiazepam;  
439 (M) Cloxazolam;  
440 (N) Delorazepam;  
441 (O) Diazepam;  
442 (P) Dichloralphenazone;  
443 [~~(P)~~] (Q) Estazolam;  
444 [~~(Q)~~] (R) Ethchlorvynol;  
445 [~~(R)~~] (S) Ethinamate;  
446 [~~(S)~~] (T) Ethyl loflazepate;  
447 [~~(T)~~] (U) Fludiazepam;  
448 [~~(U)~~] (V) Flunitrazepam;  
449 [~~(V)~~] (W) Flurazepam;  
450 [~~(W)~~] (X) Halazepam;  
451 [~~(X)~~] (Y) Haloxazolam;  
452 [~~(Y)~~] (Z) Ketazolam;  
453 [~~(Z)~~] (AA) Loprazolam;  
454 [~~(AA)~~] (BB) Lorazepam;  
455 [~~(BB)~~] (CC) Lormetazepam;  
456 [~~(CC)~~] (DD) Mebutamate;  
457 [~~(DD)~~] (EE) Medazepam;  
458 [~~(EE)~~] (FF) Meprobamate;  
459 [~~(FF)~~] (GG) Methohexital;  
460 [~~(GG)~~] (HH) Methylphenobarbital (mephobarbital);  
461 [~~(HH)~~] (II) Midazolam;

462            [~~(H)~~] (JJ) Nimetazepam;  
463            [~~(J)~~] (KK) Nitrazepam;  
464            [~~(K)~~] (LL) Nordiazepam;  
465            [~~(L)~~] (MM) Oxazepam;  
466            [~~(M)~~] (NN) Oxazolam;  
467            [~~(N)~~] (OO) Paraldehyde;  
468            [~~(O)~~] (PP) Pentazocine;  
469            [~~(P)~~] (QQ) Petrichloral;  
470            [~~(Q)~~] (RR) Phenobarbital;  
471            [~~(R)~~] (SS) Pinazepam;  
472            [~~(S)~~] (TT) Prazepam;  
473            [~~(T)~~] (UU) Quazepam;  
474            [~~(U)~~] (VV) Temazepam;  
475            [~~(V)~~] (WW) Tetrazepam;  
476            [~~(W)~~] (XX) Triazolam;  
477            [~~(X)~~] (YY) Zaleplon; and  
478            [~~(Y)~~] (ZZ) Zolpidem.

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

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

- 488            (A) Cathine ((+)-norpseudoephedrine);  
489            (B) Diethylpropion;  
490            (C) Fencamfamine;  
491            (D) Fenproporex;  
492            (E) Mazindol;



- 493 (F) Mefenorex;
- 494 (G) Modafinil;
- 495 (H) Pemoline, including organometallic complexes and chelates thereof;
- 496 (I) Phentermine;
- 497 (J) Pipradrol;
- 498 (K) Sibutramine; and
- 499 (L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- 500 (v) Unless specifically excepted or unless listed in another schedule, any material,
- 501 compound, mixture, or preparation which contains any quantity of dextropropoxyphene
- 502 (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.
- 503 (e) Schedule V: Any compound, mixture, or preparation containing any of the
- 504 following limited quantities of narcotic drugs, or their salts calculated as the free anhydrous
- 505 base or alkaloid, which includes one or more non-narcotic active medicinal ingredients in
- 506 sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal
- 507 qualities other than those possessed by the narcotic drug alone:
- 508 (i) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- 509 (ii) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100
- 510 grams;
- 511 (iii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100
- 512 grams;
- 513 (iv) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of
- 514 atropine sulfate per dosage unit;
- 515 (v) not more than 100 milligrams of opium per 100 milliliters or per 100 grams;
- 516 (vi) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of
- 517 atropine sulfate per dosage unit; and
- 518 (vii) unless specifically exempted or excluded or unless listed in another schedule, any
- 519 material, compound, mixture, or preparation which contains Pyrovalerone having a stimulant
- 520 effect on the central nervous system, including its salts, isomers, and salts of isomers[~~;~~and].
- 521 [~~(viii) unless specifically excepted or unless listed in another schedule, any material,~~
- 522 ~~compound, mixture, or preparation containing any Buprenorphine and its salts.]~~
- 523 Section 2. Section **58-37-5.5** is amended to read:

524 **58-37-5.5. Recognized controlled substance analogs.**

525 (1) A substance listed under Subsection (2) is an analog, as defined in Subsection  
526 58-37-2(1)(f), if the substance, in any quantity, and in any material, compound, mixture, or  
527 preparation, is present in:

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

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

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

532 (a) gamma butyrolactone (GBL);

533 (b) butyrolactone;

534 (c) 1,2 butanolide;

535 (d) 2-oxanolone;

536 (e) tetrahydro-2-furanone;

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

538 (g) tetramethylene glycol; [~~and~~]

539 (h) 1,4 butanediol[-]; and

540 (i) gamma valerolactone.

541 Section 3. Section **58-37-6** is amended to read:

542 **58-37-6. License to manufacture, produce, distribute, dispense, administer, or**  
543 **conduct research -- Issuance by department -- Denial, suspension, or revocation --**

544 **Records required -- Prescriptions.**

545 (1) (a) The department may adopt rules relating to the licensing and control of the  
546 manufacture, distribution, production, prescription, administration, dispensing, conducting of  
547 research with, and performing of laboratory analysis upon controlled substances within this  
548 state.

549 (b) The department may assess reasonable fees to defray the cost of issuing original  
550 and renewal licenses under this chapter pursuant to Section 63-38-3.2.

551 (c) The director of the department may delegate to any division or agency within the  
552 department, authority to perform the responsibilities and functions prescribed to the department  
553 under this chapter if the delegated authority is consistent with the function of the division or  
554 agency provided by law.

555 (2) (a) (i) Every person who manufactures, produces, distributes, prescribes, dispenses,  
556 administers, conducts research with, or performs laboratory analysis upon any controlled  
557 substance in Schedules II through V within this state, or who proposes to engage in  
558 manufacturing, producing, distributing, prescribing, dispensing, administering, conducting  
559 research with, or performing laboratory analysis upon controlled substances included in  
560 Schedules II through V within this state shall obtain a license issued by the department.

561 (ii) The division shall issue each license under this chapter in accordance with a  
562 two-year renewal cycle established by rule. The division may by rule extend or shorten a  
563 renewal period by as much as one year to stagger the renewal cycles it administers.

564 (b) Persons licensed to manufacture, produce, distribute, prescribe, dispense,  
565 administer, conduct research with, or perform laboratory analysis upon controlled substances in  
566 Schedules II through V within this state may possess, manufacture, produce, distribute,  
567 prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon  
568 those substances to the extent authorized by their license and in conformity with this chapter.

569 (c) The following persons are not required to obtain a license and may lawfully possess  
570 controlled substances under this section:

571 (i) an agent or employee, except a sales representative, of any registered manufacturer,  
572 distributor, or dispenser of any controlled substance, if the agent or employee is acting in the  
573 usual course of his business or employment; however, nothing in this subsection shall be  
574 interpreted to permit an agent, employee, sales representative, or detail man to maintain an  
575 inventory of controlled substances separate from the location of his employer's registered and  
576 licensed place of business;

577 (ii) a motor carrier or warehouseman, or an employee of a motor carrier or  
578 warehouseman, who possesses any controlled substance in the usual course of his business or  
579 employment; and

580 (iii) an ultimate user, or any person who possesses any controlled substance pursuant to  
581 a lawful order of a practitioner.

582 (d) The department may enact rules waiving the license requirement for certain  
583 manufacturers, producers, distributors, prescribers, dispensers, administrators, research  
584 practitioners, or laboratories performing analysis if consistent with the public health and safety.

585 (e) A separate license is required at each principal place of business or professional

586 practice where the applicant manufactures, produces, distributes, prescribes, dispenses,  
587 administers, conducts research with, or performs laboratory analysis upon controlled  
588 substances.

589 (f) The department may enact rules providing for the inspection of a licensee or  
590 applicant's establishment, and may inspect the establishment according to those rules.

591 (3) (a) Upon proper application, the department shall license a qualified applicant to  
592 manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon  
593 controlled substances included in Schedules I through V, unless it determines that issuance of a  
594 license is inconsistent with the public interest. The department shall not issue a license to any  
595 person to prescribe, dispense, or administer a Schedule I controlled substance. In determining  
596 public interest, the department shall consider whether or not the applicant has:

597 (i) maintained effective controls against diversion of controlled substances and any  
598 Schedule I or II substance compounded from any controlled substance into other than  
599 legitimate medical, scientific, or industrial channels;

600 (ii) complied with applicable state and local law;

601 (iii) been convicted under federal or state laws relating to the manufacture, distribution,  
602 or dispensing of substances;

603 (iv) past experience in the manufacture of controlled dangerous substances;

604 (v) established effective controls against diversion; and

605 (vi) complied with any other factors that the department establishes that promote the  
606 public health and safety.

607 (b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture,  
608 produce, distribute, conduct research with, or perform laboratory analysis upon controlled  
609 substances in Schedule I other than those specified in the license.

610 (c) (i) Practitioners shall be licensed to administer, dispense, or conduct research with  
611 substances in Schedules II through V if they are authorized to administer, dispense, or conduct  
612 research under the laws of this state.

613 (ii) The department need not require a separate license for practitioners engaging in  
614 research with nonnarcotic controlled substances in Schedules II through V where the licensee is  
615 already licensed under this act in another capacity.

616 (iii) With respect to research involving narcotic substances in Schedules II through V,

617 or where the department by rule requires a separate license for research of nonnarcotic  
618 substances in Schedules II through V, a practitioner shall apply to the department prior to  
619 conducting research.

620 (iv) Licensing for purposes of bona fide research with controlled substances by a  
621 practitioner considered qualified may be denied only on a ground specified in Subsection (4),  
622 or upon evidence that the applicant will abuse or unlawfully transfer or fail to safeguard  
623 adequately his supply of substances against diversion from medical or scientific use.

624 (v) Practitioners registered under federal law to conduct research in Schedule I  
625 substances may conduct research in Schedule I substances within this state upon furnishing the  
626 department evidence of federal registration.

627 (d) Compliance by manufacturers, producers, and distributors with the provisions of  
628 federal law respecting registration, excluding fees, entitles them to be licensed under this  
629 chapter.

630 (e) The department shall initially license those persons who own or operate an  
631 establishment engaged in the manufacture, production, distribution, dispensation, or  
632 administration of controlled substances prior to April 3, 1980, and who are licensed by the  
633 state.

634 (4) (a) Any license pursuant to Subsection (2) or (3) may be denied, suspended, placed  
635 on probation, or revoked by the department upon finding that the applicant or licensee has:

636 (i) materially falsified any application filed or required pursuant to this chapter;

637 (ii) been convicted of an offense under this chapter or any law of the United States, or  
638 any state, relating to any substance defined as a controlled substance;

639 (iii) been convicted of a felony under any other law of the United States or any state  
640 within five years of the date of the issuance of the license;

641 (iv) had a federal license denied, suspended, or revoked by competent federal authority  
642 and is no longer authorized to engage in the manufacturing, distribution, or dispensing of  
643 controlled substances;

644 (v) had his license suspended or revoked by competent authority of another state for  
645 violation of laws or regulations comparable to those of this state relating to the manufacture,  
646 distribution, or dispensing of controlled substances;

647 (vi) violated any department rule that reflects adversely on the licensee's reliability and

648 integrity with respect to controlled substances;

649 (vii) refused inspection of records required to be maintained under this chapter by a  
650 person authorized to inspect them; or

651 (viii) prescribed, dispensed, administered, or injected an anabolic steroid for the  
652 purpose of manipulating human hormonal structure so as to:

653 (A) increase muscle mass, strength, or weight without medical necessity and without a  
654 written prescription by any practitioner in the course of his professional practice; or

655 (B) improve performance in any form of human exercise, sport, or game.

656 (b) The department may limit revocation or suspension of a license to a particular  
657 controlled substance with respect to which grounds for revocation or suspension exist.

658 (c) (i) Proceedings to deny, revoke, or suspend a license shall be conducted pursuant to  
659 this section and in accordance with the procedures set forth in Title 58, Chapter 1, Division of  
660 Occupational and Professional Licensing Act, and conducted in conjunction with the  
661 appropriate representative committee designated by the director of the department.

662 (ii) Nothing in this Subsection (4)(c) gives the Division of Occupational and  
663 Professional Licensing exclusive authority in proceedings to deny, revoke, or suspend licenses,  
664 except where the department is designated by law to perform those functions, or, when not  
665 designated by law, is designated by the executive director of the Department of Commerce to  
666 conduct the proceedings.

667 (d) (i) The department may suspend any license simultaneously with the institution of  
668 proceedings under this section if it finds there is an imminent danger to the public health or  
669 safety.

670 (ii) Suspension shall continue in effect until the conclusion of proceedings, including  
671 judicial review, unless withdrawn by the department or dissolved by a court of competent  
672 jurisdiction.

673 (e) (i) If a license is suspended or revoked under this Subsection (4), all controlled  
674 substances owned or possessed by the licensee may be placed under seal in the discretion of the  
675 department.

676 (ii) Disposition may not be made of substances under seal until the time for taking an  
677 appeal has lapsed, or until all appeals have been concluded, unless a court, upon application,  
678 orders the sale of perishable substances and the proceeds deposited with the court.

679 (iii) If a revocation order becomes final, all controlled substances shall be forfeited.

680 (f) The department shall notify promptly the Drug Enforcement Administration of all  
681 orders suspending or revoking a license and all forfeitures of controlled substances.

682 (5) (a) Persons licensed under Subsection (2) or (3) shall maintain records and  
683 inventories in conformance with the record keeping and inventory requirements of federal and  
684 state law and any additional rules issued by the department.

685 (b) (i) Every physician, dentist, veterinarian, practitioner, or other person who is  
686 authorized to administer or professionally use a controlled substance shall keep a record of the  
687 drugs received by him and a record of all drugs administered, dispensed, or professionally used  
688 by him otherwise than by a prescription.

689 (ii) A person using small quantities or solutions or other preparations of those drugs for  
690 local application has complied with this Subsection (5)(b) if he keeps a record of the quantity,  
691 character, and potency of those solutions or preparations purchased or prepared by him, and of  
692 the dates when purchased or prepared.

693 (6) Controlled substances in Schedules I through V may be distributed only by a  
694 licensee and pursuant to an order form prepared in compliance with department rules or a  
695 lawful order under the rules and regulations of the United States.

696 (7) (a) A person may not write or authorize a prescription for a controlled substance  
697 unless he is:

698 (i) a practitioner authorized to prescribe drugs and medicine under the laws of this state  
699 or under the laws of another state having similar standards; and

700 (ii) licensed under this chapter or under the laws of another state having similar  
701 standards.

702 (b) A person other than a pharmacist licensed under the laws of this state, or his  
703 licensed intern, as required by Section 58-17a-302, may not dispense a controlled substance.

704 (c) (i) A controlled substance may not be dispensed without the written prescription of  
705 a practitioner, if the written prescription is required by the federal Controlled Substances Act.

706 (ii) That written prescription shall be made in accordance with Subsection (7)(a) and in  
707 conformity with Subsection (7)(d).

708 (iii) In emergency situations, as defined by department rule, controlled substances may  
709 be dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms

710 designated by the department and filed by the pharmacy.

711 (iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with  
712 Subsection (7)(d).

713 (d) Except for emergency situations designated by the department, a person may not  
714 issue, fill, compound, or dispense a prescription for a controlled substance unless the  
715 prescription is signed in ink or indelible pencil by the prescriber and contains the following  
716 information:

717 (i) the name, address, and registry number of the prescriber;

718 (ii) the name, address, and age of the person to whom or for whom the prescription is  
719 issued;

720 (iii) the date of issuance of the prescription; and

721 (iv) the name, quantity, and specific directions for use by the ultimate user of the  
722 controlled substance.

723 (e) A prescription may not be written, issued, filled, or dispensed for a Schedule I  
724 controlled substance.

725 (f) Except when administered directly to an ultimate user by a licensed practitioner,  
726 controlled substances are subject to the following restrictions:

727 (i) (A) A prescription for a Schedule II substance may not be refilled [~~only upon the~~  
728 ~~written prescription of an authorized practitioner, and a prescription for a~~].

729 (B) A Schedule II controlled substance may not be filled in a quantity to exceed a  
730 one-month's supply, as directed on the daily dosage rate of the prescriptions.

731 (ii) A Schedule III or IV controlled substance may be filled only within six months of  
732 issuance, and may not be refilled more than six months after the date of its original issuance or  
733 be refilled more than five times after the date of the prescription unless renewed by the  
734 practitioner.

735 (iii) All other controlled substances in Schedule V may be refilled as the prescriber's  
736 prescription directs, but they may not be refilled one year after the date the prescription was  
737 issued unless renewed by the practitioner.

738 (iv) Any prescription for a Schedule II substance may not be dispensed if it is not  
739 presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within 30 days  
740 after the date the prescription was issued, or 30 days after the dispensing date, if that date is



741 specified separately from the date of issue.

742 (v) A practitioner may issue more than one prescription at the same time for the same  
743 Schedule II controlled substance, but only under the following conditions:

744 (A) no more than three prescriptions for the same Schedule II controlled substance may  
745 be issued at the same time;

746 (B) no one prescription may exceed a 30-day supply;

747 (C) a second or third prescription shall include the date of issuance and the date for  
748 dispensing; and

749 (D) unless the practitioner determines there is a valid medical reason to the contrary,  
750 the date for dispensing a second or third prescription may not be fewer than 30 days from the  
751 dispensing date of the previous prescription.

752 (vi) Each prescription for a controlled substance may contain only one controlled  
753 substance per prescription form and may not contain any other legend drug or prescription  
754 item.

755 (g) An order for a controlled substance in Schedules II through V for use by an  
756 inpatient or an outpatient of a licensed hospital is exempt from all requirements of this  
757 Subsection (7) if the order is:

758 (i) issued or made by a prescribing practitioner who holds an unrestricted registration  
759 with the federal Drug Enforcement Administration, and an active Utah controlled substance  
760 license in good standing issued by the division under this section, or a medical resident who is  
761 exempted from licensure under Subsection 58-1-307(1)(c);

762 (ii) authorized by the prescribing practitioner treating the patient and the prescribing  
763 practitioner designates the quantity ordered;

764 (iii) entered upon the record of the patient, the record is signed by the prescriber  
765 affirming his authorization of the order within 48 hours after filling or administering the order,  
766 and the patient's record reflects the quantity actually administered; and

767 (iv) filled and dispensed by a pharmacist practicing his profession within the physical  
768 structure of the hospital, or the order is taken from a supply lawfully maintained by the hospital  
769 and the amount taken from the supply is administered directly to the patient authorized to  
770 receive it.

771 (h) A practitioner licensed under this chapter may not prescribe, administer, or

772 dispense a controlled substance to a minor, without first obtaining the consent required in  
773 Section 78-14-5 of a parent, guardian, or person standing in loco parentis of the minor except  
774 in cases of an emergency. For purposes of this Subsection (7)(h), "minor" has the same  
775 meaning as defined in Section 78-3a-103, and "emergency" means any physical condition  
776 requiring the administration of a controlled substance for immediate relief of pain or suffering.

777 (i) A practitioner licensed under this chapter may not prescribe or administer dosages  
778 of a controlled substance in excess of medically recognized quantities necessary to treat the  
779 ailment, malady, or condition of the ultimate user.

780 (j) A practitioner licensed under this chapter may not prescribe, administer, or dispense  
781 any controlled substance to another person knowing that the other person is using a false name,  
782 address, or other personal information for the purpose of securing the controlled substance.

783 (k) A person who is licensed under this chapter to manufacture, distribute, or dispense  
784 a controlled substance may not manufacture, distribute, or dispense a controlled substance to  
785 another licensee or any other authorized person not authorized by this license.

786 (l) A person licensed under this chapter may not omit, remove, alter, or obliterate a  
787 symbol required by this chapter or by a rule issued under this chapter.

788 (m) A person licensed under this chapter may not refuse or fail to make, keep, or  
789 furnish any record notification, order form, statement, invoice, or information required under  
790 this chapter.

791 (n) A person licensed under this chapter may not refuse entry into any premises for  
792 inspection as authorized by this chapter.

793 (o) A person licensed under this chapter may not furnish false or fraudulent material  
794 information in any application, report, or other document required to be kept by this chapter or  
795 willfully make any false statement in any prescription, order, report, or record required by this  
796 chapter.

797 (8) (a) Any person licensed under this chapter who is found by the department to have  
798 violated any of the provisions of Subsections (7)(k) through (7)(o) is subject to a fine not to  
799 exceed \$5,000. The department shall determine the procedure for adjudication of any  
800 violations in accordance with Sections 58-1-106 and 58-1-108.

801 (b) Any person who knowingly and intentionally violates Subsections (7)(h) through  
802 (7)(j) is:

- 803 (i) upon first conviction, guilty of a class B misdemeanor;
- 804 (ii) upon second conviction, guilty of a class A misdemeanor; and
- 805 (iii) on third or subsequent conviction, guilty of a third degree felony.
- 806 (c) Any person who knowingly and intentionally violates Subsections (7)(k) through
- 807 (7)(o) shall upon conviction be guilty of a third degree felony.

808 (9) Any information communicated to any licensed practitioner in an attempt to  
 809 unlawfully procure, or to procure the administration of, a controlled substance is not considered  
 810 to be a privileged communication.

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

812 **58-37-8. Prohibited acts -- Penalties.**

813 (1) Prohibited acts A -- Penalties:

814 (a) Except as authorized by this chapter, it is unlawful for any person to knowingly and  
 815 intentionally:

- 816 (i) produce, manufacture, or dispense, or to possess with intent to produce,  
 817 manufacture, or dispense, a controlled or counterfeit substance;
- 818 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or  
 819 arrange to distribute a controlled or counterfeit substance;
- 820 (iii) possess a controlled or counterfeit substance with intent to distribute; or
- 821 (iv) engage in a continuing criminal enterprise where:

822 (A) the person participates, directs, or engages in conduct which results in any  
 823 violation of any provision of Title 58, Chapters 37, 37a, 37b, 37c, or 37d that is a felony; and

824 (B) the violation is a part of a continuing series of two or more violations of Title 58,  
 825 Chapters 37, 37a, 37b, 37c, or 37d on separate occasions that are undertaken in concert with  
 826 five or more persons with respect to whom the person occupies a position of organizer,  
 827 supervisor, or any other position of management.

828 (b) Any person convicted of violating Subsection (1)(a) with respect to:

829 (i) a substance classified in Schedule I or II ~~[or]~~, a controlled substance analog, or  
 830 gamma hydroxybutyric acid as listed in Schedule III is guilty of a second degree felony and  
 831 upon a second or subsequent conviction is guilty of a first degree felony;

832 (ii) a substance classified in Schedule III or IV, or marijuana, is guilty of a third degree  
 833 felony, and upon a second or subsequent conviction is guilty of a second degree felony; or

834 (iii) a substance classified in Schedule V is guilty of a class A misdemeanor and upon a  
835 second or subsequent conviction is guilty of a third degree felony.

836 (c) Any person who has been convicted of a violation of Subsection (1)(a)(ii) or (iii)  
837 may be sentenced to imprisonment for an indeterminate term as provided by law, but if the trier  
838 of fact finds a firearm as defined in Section 76-10-501 was used, carried, or possessed on his  
839 person or in his immediate possession during the commission or in furtherance of the offense,  
840 the court shall additionally sentence the person convicted for a term of one year to run  
841 consecutively and not concurrently; and the court may additionally sentence the person  
842 convicted for an indeterminate term not to exceed five years to run consecutively and not  
843 concurrently.

844 (d) Any person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
845 felony punishable by imprisonment for an indeterminate term of not less than seven years and  
846 which may be for life. Imposition or execution of the sentence may not be suspended, and the  
847 person is not eligible for probation.

848 (2) Prohibited acts B -- Penalties:

849 (a) It is unlawful:

850 (i) for any person knowingly and intentionally to possess or use a controlled substance  
851 analog or a controlled substance, unless it was obtained under a valid prescription or order,  
852 directly from a practitioner while acting in the course of his professional practice, or as  
853 otherwise authorized by this chapter;

854 (ii) for any owner, tenant, licensee, or person in control of any building, room,  
855 tenement, vehicle, boat, aircraft, or other place knowingly and intentionally to permit them to  
856 be occupied by persons unlawfully possessing, using, or distributing controlled substances in  
857 any of those locations; or

858 (iii) for any person knowingly and intentionally to possess an altered or forged  
859 prescription or written order for a controlled substance.

860 (b) Any person convicted of violating Subsection (2)(a)(i) with respect to:

861 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree felony;

862 (ii) a substance classified in Schedule I or II, marijuana, if the amount is more than 16  
863 ounces, but less than 100 pounds, or a controlled substance analog, is guilty of a third degree  
864 felony; or

865 (iii) marijuana, if the marijuana is not in the form of an extracted resin from any part of  
866 the plant, and the amount is more than one ounce but less than 16 ounces, is guilty of a class A  
867 misdemeanor.

868 (c) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior  
869 boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or  
870 any public jail or other place of confinement shall be sentenced to a penalty one degree greater  
871 than provided in Subsection (2)(b).

872 (d) Upon a second or subsequent conviction of possession of any controlled substance  
873 by a person, that person shall be sentenced to a one degree greater penalty than provided in this  
874 Subsection (2).

875 (e) Any person who violates Subsection (2)(a)(i) with respect to all other controlled  
876 substances not included in Subsection (2)(b)(i), (ii), or (iii), including less than one ounce of  
877 marijuana, is guilty of a class B misdemeanor. Upon a second conviction the person is guilty  
878 of a class A misdemeanor, and upon a third or subsequent conviction the person is guilty of a  
879 third degree felony.

880 (f) Any person convicted of violating Subsection (2)(a)(ii) or (2)(a)(iii) is:

881 (i) on a first conviction, guilty of a class B misdemeanor;

882 (ii) on a second conviction, guilty of a class A misdemeanor; and

883 (iii) on a third or subsequent conviction, guilty of a third degree felony.

884 (3) Prohibited acts C -- Penalties:

885 (a) It is unlawful for any person knowingly and intentionally:

886 (i) to use in the course of the manufacture or distribution of a controlled substance a  
887 license number which is fictitious, revoked, suspended, or issued to another person or, for the  
888 purpose of obtaining a controlled substance, to assume the title of, or represent himself to be, a  
889 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized  
890 person;

891 (ii) to acquire or obtain possession of, to procure or attempt to procure the  
892 administration of, to obtain a prescription for, to prescribe or dispense to any person known to  
893 be attempting to acquire or obtain possession of, or to procure the administration of any  
894 controlled substance by misrepresentation or failure by the person to disclose his receiving any  
895 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a

- 896 prescription or written order for a controlled substance, or the use of a false name or address;
- 897 (iii) to make any false or forged prescription or written order for a controlled substance,
- 898 or to utter the same, or to alter any prescription or written order issued or written under the
- 899 terms of this chapter; or
- 900 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed
- 901 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
- 902 device of another or any likeness of any of the foregoing upon any drug or container or labeling
- 903 so as to render any drug a counterfeit controlled substance.
- 904 (b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree
- 905 felony.
- 906 (4) Prohibited acts D -- Penalties:
- 907 (a) Notwithstanding other provisions of this section, a person not authorized under this
- 908 chapter who commits any act declared to be unlawful under this section, Title 58, Chapter 37a,
- 909 Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation Controlled Substances
- 910 Act, is upon conviction subject to the penalties and classifications under this Subsection
- 911 (4)~~(b)~~ if the act is committed:
- 912 (i) in a public or private elementary or secondary school or on the grounds of any of
- 913 those schools;
- 914 (ii) in a public or private vocational school or postsecondary institution or on the
- 915 grounds of any of those schools or institutions;
- 916 (iii) in those portions of any building, park, stadium, or other structure or grounds
- 917 which are, at the time of the act, being used for an activity sponsored by or through a school or
- 918 institution under Subsections (4)(a)(i) and (ii);
- 919 (iv) in or on the grounds of a preschool or child-care facility;
- 920 (v) in a public park, amusement park, arcade, or recreation center;
- 921 (vi) in ~~[a church or synagogue]~~ or on the grounds of a house of worship as defined in
- 922 Section 76-10-501;
- 923 (vii) in a shopping mall, sports facility, stadium, arena, theater, movie house,
- 924 playhouse, or parking lot or structure adjacent thereto;
- 925 (viii) in a public parking lot or structure;
- 926 (ix) within 1,000 feet of any structure, facility, or grounds included in Subsections

927 (4)(a)(i) through (viii); or

928 (x) in the immediate presence of a person younger than 18 years of age, regardless of  
929 where the act occurs.

930 (b) A person convicted under this Subsection (4) is guilty of a first degree felony and  
931 shall be imprisoned for a term of not less than five years if the penalty that would otherwise  
932 have been established but for this subsection would have been a first degree felony. Imposition  
933 or execution of the sentence may not be suspended, and the person is not eligible for probation.

934 (c) If the classification that would otherwise have been established would have been  
935 less than a first degree felony but for this Subsection (4), a person convicted under this  
936 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that  
937 offense.

938 (d) It is not a defense to a prosecution under this Subsection (4) that the actor  
939 mistakenly believed the individual to be 18 years of age or older at the time of the offense or  
940 was unaware of the individual's true age; nor that the actor mistakenly believed that the  
941 location where the act occurred was not as described in Subsection (4)(a) or was unaware that  
942 the location where the act occurred was as described in Subsection (4)(a).

943 (5) Any violation of this chapter for which no penalty is specified is a class B  
944 misdemeanor.

945 (6) (a) Any penalty imposed for violation of this section is in addition to, and not in  
946 lieu of, any civil or administrative penalty or sanction authorized by law.

947 (b) Where violation of this chapter violates a federal law or the law of another state,  
948 conviction or acquittal under federal law or the law of another state for the same act is a bar to  
949 prosecution in this state.

950 (7) In any prosecution for a violation of this chapter, evidence or proof which shows a  
951 person or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
952 substance or substances, is prima facie evidence that the person or persons did so with  
953 knowledge of the character of the substance or substances.

954 (8) This section does not prohibit a veterinarian, in good faith and in the course of his  
955 professional practice only and not for humans, from prescribing, dispensing, or administering  
956 controlled substances or from causing the substances to be administered by an assistant or  
957 orderly under his direction and supervision.

958           (9) Civil or criminal liability may not be imposed under this section on:  
959           (a) any person registered under the Controlled Substances Act who manufactures,  
960 distributes, or possesses an imitation controlled substance for use as a placebo or  
961 investigational new drug by a registered practitioner in the ordinary course of professional  
962 practice or research; or  
963           (b) any law enforcement officer acting in the course and legitimate scope of his  
964 employment.  
965           (10) If any provision of this chapter, or the application of any provision to any person  
966 or circumstances, is held invalid, the remainder of this chapter shall be given effect without the  
967 invalid provision or application.

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**Legislative Review Note**  
**as of 12-30-02 7:06 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**



**State Impact**

It is estimated that provisions of this bill can be implemented with existing State resources. Counties may incur some minor costs associated with additional pretrial bookings and after-sentence housing of offenders.

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**Individual and Business Impact**

No fiscal impact

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**Office of the Legislative Fiscal Analyst**