CONTROLLED SUBSTANCE MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gage Froerer

Senate Sponsor: Allen M. Christensen


LONG TITLE

General Description:
This bill modifies provisions relating to the Utah Controlled Substances Act by creating a controlled class of listed synthetic cannabinoid substances found in products often referred to as "spice."

Highlighted Provisions:
This bill:
- expands the definition of a controlled substance to include a list of synthetic equivalent cannabinoid substances and their analogs and homologs found in products commonly referred to as "spice";
- expands the definition of a controlled substance to include substances and their analogs and homologs found in products referred to as "bath salts";
- clarifies that the tetrahydrocannabinols in Schedule I of the Utah Controlled Substances Act include those both naturally and synthetically derived;
- provides that it is an affirmative defense that the person produced, possessed, or administered any of these listed substances if the person:
  - was engaged in medical research; and
was a holder of a license to possess controlled substances for research;

- authorizes the Controlled Substances Advisory Committee to recommend placement of a substance on a controlled substance list if it finds that the substance has a potential for abuse and that an accepted standard has not been established for safe use in treatment for medical purposes;

- adds "spice" to the driver license provisions regarding driving under the influence;

and

- provides that a legislative body of a political subdivision may not enact an ordinance that is less restrictive than any provision of the Utah Controlled Substances Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

- 41-6a-517, as last amended by Laws of Utah 2009, Chapter 390
- 58-37-2 (Superseded 07/01/11), as last amended by Laws of Utah 2010, Chapters 64 and 101
- 58-37-2 (Effective 07/01/11), as last amended by Laws of Utah 2010, Chapters 64, 101, and 276
- 58-37-3, as last amended by Laws of Utah 1997, Chapter 64
- 58-37-4, as last amended by Laws of Utah 2010, Chapter 106
- 58-37-6, as last amended by Laws of Utah 2010, Chapter 287
- 58-37-8, as last amended by Laws of Utah 2010, Chapter 64
- 58-38a-203, as enacted by Laws of Utah 2010, Chapter 231
- 58-38a-204, as enacted by Laws of Utah 2010, Chapter 231

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

Section 1. Section 41-6a-517 is amended to read:

41-6a-517. Definitions -- Driving with any measurable controlled substance in the body -- Penalties -- Arrest without warrant.

(1) As used in this section:

(a) "Controlled substance" [means any substance scheduled under Section 58-37-4.] has the same meaning as in Section 58-37-2.

(b) "Practitioner" has the same meaning as [provided] in Section 58-37-2.

(c) "Prescribe" has the same meaning as [provided] in Section 58-37-2.

(d) "Prescription" has the same meaning as [provided] in Section 58-37-2.

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.

(3) It is an affirmative defense to prosecution under this section that the controlled substance was:

(a) involuntarily ingested by the accused;

(b) prescribed by a practitioner for use by the accused; or

(c) otherwise legally ingested.

(4) (a) A person convicted of a violation of Subsection (2) is guilty of a class B misdemeanor.

(b) A person who violates this section is subject to conviction and sentencing under both this section and any applicable offense under Section 58-37-8.

(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's presence, and if the officer has probable cause to believe that the violation was committed by the person.
(6) The Driver License Division shall:

(a) if the person is 21 years of age or older on the date of arrest:

(i) suspend, for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(ii) revoke, for a period of two years, the driver license of a person if:

(A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(B) the current violation under Subsection (2) is committed:

(I) within a period of 10 years after the date of the prior violation; and

(II) on or after July 1, 2009;

(b) if the person is under 21 years of age on the date of arrest:

(i) suspend, until the person is 21 years of age or for a period of 120 days, the driver license of a person convicted under Subsection (2) of an offense committed on or after July 1, 2009; or

(ii) revoke, until the person is 21 years of age or for a period of two years, the driver license of a person if:

(A) the person has a prior conviction as defined under Subsection 41-6a-501(2); and

(B) the current violation under Subsection (2) is committed:

(I) within a period of 10 years after the date of the prior violation; and

(II) on or after July 1, 2009;

(c) subtract from any suspension or revocation period the number of days for which a license was previously suspended under Section 53-3-223 or 53-3-231, if the previous suspension was based on the same occurrence upon which the record of conviction is based; and

(d) deny, suspend, or revoke a person's license for the denial and suspension periods in effect prior to July 1, 2009, for a conviction of a violation under Subsection (2) that was committed prior to July 1, 2009.

(7) (a) The court shall notify the Driver License Division if a person fails to:

(i) complete all court ordered screening and assessment, educational series, and
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116 substance abuse treatment; or
117 (ii) pay all fines and fees, including fees for restitution and treatment costs.
118 (b) Upon receiving the notification, the division shall suspend the person's driving
119 privilege in accordance with Subsections 53-3-221(2) and (3).

120 (8) The court shall order supervised probation in accordance with Section 41-6a-507
121 for a person convicted under Subsection (2).

122 Section 2. Section 58-37-2 (Superseded 07/01/11) is amended to read:
123 58-37-2 (Superseded 07/01/11). Definitions.
124 (1) As used in this chapter:
125 (a) "Administer" means the direct application of a controlled substance, whether by
126 injection, inhalation, ingestion, or any other means, to the body of a patient or research subject
127 by:
128 (i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent;
129 or
130 (ii) the patient or research subject at the direction and in the presence of the
131 practitioner.
132 (b) "Agent" means an authorized person who acts on behalf of or at the direction of a
133 manufacturer, distributor, or practitioner but does not include a motor carrier, public
134 warehouseman, or employee of any of them.
135 (c) "Consumption" means ingesting or having any measurable amount of a controlled
136 substance in a person's body, but this Subsection (1)(c) does not include the metabolite of a
137 controlled substance.
138 (d) "Continuing criminal enterprise" means any individual, sole proprietorship,
139 partnership, corporation, business trust, association, or other legal entity, and any union or
140 groups of individuals associated in fact although not a legal entity, and includes illicit as well
141 as licit entities created or maintained for the purpose of engaging in conduct which constitutes
142 the commission of episodes of activity made unlawful by Title 58, Chapter 37, Utah Controlled
143 Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled
Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise.

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

(f) (i) "Controlled substance" means a drug or substance:
(A) included in Schedules I, II, III, IV, or V of Section 58-37-4;
(B) included in Schedules I, II, III, IV, or V of the federal Controlled Substances Act, Title II, P.L. 91-513; or
(C) that is a controlled substance analog;
(D) listed in Section 58-37-4.2.

(ii) "Controlled substance" does not include:
(A) distilled spirits, wine, or malt beverages, as those terms are defined in Title 32A, Alcoholic Beverage Control Act;
(B) any drug intended for lawful use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human or other animals, which contains ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine if the drug is lawfully purchased, sold, transferred, or furnished as an over-the-counter medication without prescription; or
(C) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which:
(I) are not otherwise regulated by law; and
(II) may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(g) (i) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in
Schedules I and II of Section 58-37-4, or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513, or listed in Section 58-37-4.2:

(A) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules set forth in Subsection (1)(f), or a substance listed in Section 58-37-4.2; or

(B) which, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules set forth in this Subsection (1).

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

(A) a controlled substance currently scheduled in Schedules I through V of Section 58-37-4 or listed in Section 58-37-4.2;

(B) a substance for which there is an approved new drug application;

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;

(D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;

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

(F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(h) "Conviction" means a determination of guilt by verdict, whether jury or bench, or
plea, whether guilty or no contest, for any offense proscribed by Title 58, Chapters 37, 37a, 37b, 37c, or 37d, or for any offense under the laws of the United States and any other state which, if committed in this state, would be an offense under Title 58, Chapters 37, 37a, 37b, 37c, or 37d.

(i) "Counterfeit substance" means:

(i) any controlled substance or container or labeling of any controlled substance that:

(A) without authorization bears the trademark, trade name, or other identifying mark, imprint, number, device, or any likeness of them, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance which falsely purports to be a controlled substance distributed by any other manufacturer, distributor, or dispenser; and

(B) a reasonable person would believe to be a controlled substance distributed by an authorized manufacturer, distributor, or dispenser based on the appearance of the substance as described under Subsection (1)(i)(i)(A) or the appearance of the container of that controlled substance; or

(ii) any substance other than under Subsection (1)(i)(i) that:

(A) is falsely represented to be any legally or illegally manufactured controlled substance; and

(B) a reasonable person would believe to be a legal or illegal controlled substance.

(j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a controlled substance or a listed chemical, whether or not an agency relationship exists.

(k) "Department" means the Department of Commerce.

(l) "Depressant or stimulant substance" means:

(i) a drug which contains any quantity of barbituric acid or any of the salts of barbituric acid;

(ii) a drug which contains any quantity of:

(A) amphetamine or any of its optical isomers;

(B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or
(C) any substance which the Secretary of Health and Human Services or the Attorney General of the United States after investigation has found and by regulation designated habit-forming because of its stimulant effect on the central nervous system;

(iii) lysergic acid diethylamide; or

(iv) any drug which contains any quantity of a substance which the Secretary of Health and Human Services or the Attorney General of the United States after investigation has found to have, and by regulation designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(m) "Dispense" means the delivery of a controlled substance by a pharmacist to an ultimate user pursuant to the lawful order or prescription of a practitioner, and includes distributing to, leaving with, giving away, or disposing of that substance as well as the packaging, labeling, or compounding necessary to prepare the substance for delivery.

(n) "Dispenser" means a pharmacist who dispenses a controlled substance.

(o) "Distribute" means to deliver other than by administering or dispensing a controlled substance or a listed chemical.

(p) "Distributor" means a person who distributes controlled substances.

(q) "Division" means the Division of Occupational and Professional Licensing created in Section 58-1-103.

(r) (i) "Drug" means:

(A) a substance recognized in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(B) a substance that is required by any applicable federal or state law or rule to be dispensed by prescription only or is restricted to administration by practitioners only;

(C) a substance other than food intended to affect the structure or any function of the body of humans or other animals; and

(D) substances intended for use as a component of any substance specified in
Subsections (1)(r)(i)(A), (B), and (C), and (D).

(ii) "Drug" does not include dietary supplements.

(s) "Drug dependent person" means any individual who unlawfully and habitually uses any controlled substance to endanger the public morals, health, safety, or welfare, or who is so dependent upon the use of controlled substances as to have lost the power of self-control with reference to the individual's dependency.

(t) "Food" means:

(i) any nutrient or substance of plant, mineral, or animal origin other than a drug as specified in this chapter, and normally ingested by human beings; and

(ii) foods for special dietary uses as exist by reason of a physical, physiological, pathological, or other condition including but not limited to the conditions of disease, convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and overweight; uses for supplying a particular dietary need which exist by reason of age including but not limited to the ages of infancy and childbirth, and also uses for supplementing and for fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for use of a food. Any particular use of a food is a special dietary use regardless of the nutritional purposes.

(u) "Immediate precursor" means a substance which the Attorney General of the United States has found to be, and by regulation designated as being, the principal compound used or produced primarily for use in the manufacture of a controlled substance, or which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.

(v) "Indian" means a member of an Indian tribe.

(w) "Indian religion" means any religion:

(i) the origin and interpretation of which is from within a traditional Indian culture or community; and

(ii) which is practiced by Indians.
(x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village, which is legally recognized as eligible for and is consistent with the special programs, services, and entitlements provided by the United States to Indians because of their status as Indians.

(y) "Manufacture" means the production, preparation, propagation, compounding, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis.

(z) "Manufacturer" includes any person who packages, repackages, or labels any container of any controlled substance, except pharmacists who dispense or compound prescription orders for delivery to the ultimate consumer.

(aa) "Marijuana" means all species of the genus cannabis and all parts of the genus, whether growing or not; the seeds of it; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from them, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. Any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active are also included.

(bb) "Money" means officially issued coin and currency of the United States or any foreign country.

(cc) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(i) opium, coca leaves, and opiates;

(ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or
312 opiates;
313 (iii) opium poppy and poppy straw; or
314 (iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the
315 substance, which is chemically identical with any of the substances referred to in Subsection
316 (1)(cc)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or
317 extracts of coca leaves which do not contain cocaine or ecgonine.
318 (dd) "Negotiable instrument" means documents, containing an unconditional promise
319 to pay a sum of money, which are legally transferable to another party by endorsement or
320 delivery.
321 (ee) "Opiate" means any drug or other substance having an addiction-forming or
322 addiction-sustaining liability similar to morphine or being capable of conversion into a drug
323 having addiction-forming or addiction-sustaining liability.
324 (ff) "Opium poppy" means the plant of the species papaver somniferum L., except the
325 seeds of the plant.
326 (gg) "Person" means any corporation, association, partnership, trust, other institution or
327 entity or one or more individuals.
328 (hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after
329 mowing.
330 (ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
331 holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection,
332 or consumption, as distinguished from distribution, of controlled substances and includes
333 individual, joint, or group possession or use of controlled substances. For a person to be a
334 possessor or user of a controlled substance, it is not required that the person be shown to have
335 individually possessed, used, or controlled the substance, but it is sufficient if it is shown that
336 the person jointly participated with one or more persons in the use, possession, or control of
337 any substances with knowledge that the activity was occurring, or the controlled substance is
338 found in a place or under circumstances indicating that the person had the ability and the intent
339 to exercise dominion and control over it.
(jj) "Practitioner" means a physician, dentist, naturopathic physician, veterinarian, pharmacist, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this state.

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

(i) orally or in writing; or

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

(ll) "Prescription" means an order issued:

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

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

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

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

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

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

(2) If a term used in this chapter is not defined, the definition and terms of Title 76, Utah Criminal Code, shall apply.

Section 3. Section 58-37-2 (Effective 07/01/11) is amended to read:

58-37-2 (Effective 07/01/11). Definitions.

1. As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by
injection, inhalation, ingestion, or any other means, to the body of a patient or research subject
by:

(i) a practitioner or, in the practitioner's presence, by the practitioner's authorized agent;

or

(ii) the patient or research subject at the direction and in the presence of the
practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a
manufacturer, distributor, or practitioner but does not include a motor carrier, public
warehouseman, or employee of any of them.

(c) "Consumption" means ingesting or having any measurable amount of a controlled
substance in a person's body, but this Subsection (1)(c) does not include the metabolite of a
controlled substance.

(d) "Continuing criminal enterprise" means any individual, sole proprietorship,
partnership, corporation, business trust, association, or other legal entity, and any union or
groups of individuals associated in fact although not a legal entity, and includes illicit as well
as licit entities created or maintained for the purpose of engaging in conduct which constitutes
the commission of episodes of activity made unlawful by Title 58, Chapter 37, Utah Controlled
Substances Act, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation Controlled
Substances Act, Chapter 37c, Utah Controlled Substance Precursor Act, or Chapter 37d,
Clandestine Drug Lab Act, which episodes are not isolated, but have the same or similar
purposes, results, participants, victims, methods of commission, or otherwise are interrelated
by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing
unlawful conduct and be related either to each other or to the enterprise.

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

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

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

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

(C) that is a controlled substance analog; or

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

(ii) "Controlled substance" does not include:

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

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

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

(I) are not otherwise regulated by law; and

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

(g) (i) "Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance listed in Schedules I and II of Section 58-37-4, a substance listed in Section 58-37-4.2, or in Schedules I and II of the federal Controlled Substances Act, Title II, P.L. 91-513:

(A) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules set forth in Subsection (1)(f), a substance listed in Section 58-37-4.2; or

(B) which, with respect to a particular individual, is represented or intended to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of controlled substances in the schedules list set forth in this Subsection (1).
(ii) "Controlled substance analog" does not include:

(A) a controlled substance currently scheduled in Schedules I through V of Section 58-37-4;

(B) a substance for which there is an approved new drug application;

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under Section 505 of the Food, Drug, and Cosmetic Act, 21 U.S.C. 355, to the extent the conduct with respect to the substance is permitted by the exemption;

(D) any substance to the extent not intended for human consumption before an exemption takes effect with respect to the substance;

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

(F) dietary supplements, vitamins, minerals, herbs, or other similar substances including concentrates or extracts, which are not otherwise regulated by law, which may contain naturally occurring amounts of chemical or substances listed in this chapter, or in rules adopted pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(h) "Conviction" means a determination of guilt by verdict, whether jury or bench, or plea, whether guilty or no contest, for any offense proscribed by Title 58, Chapters 37, 37a, 37b, 37c, or 37d, or for any offense under the laws of the United States and any other state which, if committed in this state, would be an offense under Title 58, Chapters 37, 37a, 37b, 37c, or 37d.

(i) "Counterfeit substance" means:

(i) any controlled substance or container or labeling of any controlled substance that:

(A) without authorization bears the trademark, trade name, or other identifying mark, imprint, number, device, or any likeness of them, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance which falsely purports to be a controlled substance distributed by any other
maker, distributor, or dispenser; and

(B) a reasonable person would believe to be a controlled substance distributed by an
authorized manufacturer, distributor, or dispenser based on the appearance of the substance as
described under Subsection (1)(i)(i)(A) or the appearance of the container of that controlled
substance; or

(ii) any substance other than under Subsection (1)(i)(i) that:

(A) is falsely represented to be any legally or illegally manufactured controlled
substance; and

(B) a reasonable person would believe to be a legal or illegal controlled substance.

(j) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of a
controlled substance or a listed chemical, whether or not an agency relationship exists.

(k) "Department" means the Department of Commerce.

(l) "Depressant or stimulant substance" means:

(i) a drug which contains any quantity of barbituric acid or any of the salts of barbituric
acid;

(ii) a drug which contains any quantity of:

(A) amphetamine or any of its optical isomers;

(B) any salt of amphetamine or any salt of an optical isomer of amphetamine; or

(C) any substance which the Secretary of Health and Human Services or the Attorney
General of the United States after investigation has found and by regulation designated
habit-forming because of its stimulant effect on the central nervous system;

(iii) lysergic acid diethylamide; or

(iv) any drug which contains any quantity of a substance which the Secretary of Health
and Human Services or the Attorney General of the United States after investigation has found
to have, and by regulation designated as having, a potential for abuse because of its depressant
or stimulant effect on the central nervous system or its hallucinogenic effect.

(m) "Dispense" means the delivery of a controlled substance by a pharmacist to an
ultimate user pursuant to the lawful order or prescription of a practitioner, and includes
480 distributing to, leaving with, giving away, or disposing of that substance as well as the
481 packaging, labeling, or compounding necessary to prepare the substance for delivery.
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483 (n) "Dispenser" means a pharmacist who dispenses a controlled substance.
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485 (o) "Distribute" means to deliver other than by administering or dispensing a controlled
486 substance or a listed chemical.
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488 (p) "Distributor" means a person who distributes controlled substances.
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490 (q) "Division" means the Division of Occupational and Professional Licensing created
491 in Section 58-1-103.
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493 (r) (i) "Drug" means:
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495 (A) a substance recognized in the official United States Pharmacopoeia, Official
496 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
497 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or
498 prevention of disease in humans or animals;
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500 (B) a substance that is required by any applicable federal or state law or rule to be
501 dispensed by prescription only or is restricted to administration by practitioners only;
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503 (C) a substance other than food intended to affect the structure or any function of the
504 body of humans or other animals; and
505
506 (D) substances intended for use as a component of any substance specified in
507 Subsections (1)(r)(i)(A), (B), and (C).[and (D)].
508
509 (ii) "Drug" does not include dietary supplements.
510
511 (s) "Drug dependent person" means any individual who unlawfully and habitually uses
512 any controlled substance to endanger the public morals, health, safety, or welfare, or who is so
513 dependent upon the use of controlled substances as to have lost the power of self-control with
514 reference to the individual's dependency.
515
516 (t) "Food" means:
517
518 (i) any nutrient or substance of plant, mineral, or animal origin other than a drug as
519 specified in this chapter, and normally ingested by human beings; and
520
521 (ii) foods for special dietary uses as exist by reason of a physical, physiological,
508 pathological, or other condition including but not limited to the conditions of disease,
509 convalescence, pregnancy, lactation, allergy, hypersensitivity to food, underweight, and
510 overweight; uses for supplying a particular dietary need which exist by reason of age including
511 but not limited to the ages of infancy and childbirth, and also uses for supplementing and for
512 fortifying the ordinary or unusual diet with any vitamin, mineral, or other dietary property for
513 use of a food. Any particular use of a food is a special dietary use regardless of the nutritional
514 purposes.
515 (u) "Immediate precursor" means a substance which the Attorney General of the United
516 States has found to be, and by regulation designated as being, the principal compound used or
517 produced primarily for use in the manufacture of a controlled substance, or which is an
518 immediate chemical intermediary used or likely to be used in the manufacture of a controlled
519 substance, the control of which is necessary to prevent, curtail, or limit the manufacture of the
520 controlled substance.
521 (v) "Indian" means a member of an Indian tribe.
522 (w) "Indian religion" means any religion:
523 (i) the origin and interpretation of which is from within a traditional Indian culture or
524 community; and
525 (ii) which is practiced by Indians.
526 (x) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or
527 community of Indians, including any Alaska Native village, which is legally recognized as
528 eligible for and is consistent with the special programs, services, and entitlements provided by
529 the United States to Indians because of their status as Indians.
530 (y) "Manufacture" means the production, preparation, propagation, compounding, or
531 processing of a controlled substance, either directly or indirectly by extraction from substances
532 of natural origin, or independently by means of chemical synthesis or by a combination of
533 extraction and chemical synthesis.
534 (z) "Manufacturer" includes any person who packages, repackages, or labels any
535 container of any controlled substance, except pharmacists who dispense or compound
prescription orders for delivery to the ultimate consumer.

(aa) "Marijuana" means all species of the genus cannabis and all parts of the genus, whether growing or not; the seeds of it; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from them, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. Any synthetic equivalents of the substances contained in the plant cannabis sativa or any other species of the genus cannabis which are chemically indistinguishable and pharmacologically active are also included.

(bb) "Money" means officially issued coin and currency of the United States or any foreign country.

(cc) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(i) opium, coca leaves, and opiates;
(ii) a compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;
(iii) opium poppy and poppy straw; or
(iv) a substance, and any compound, manufacture, salt, derivative, or preparation of the substance, which is chemically identical with any of the substances referred to in Subsection (1)(cc)(i), (ii), or (iii), except narcotic drug does not include decocainized coca leaves or extracts of coca leaves which do not contain cocaine or ecgonine.

(dd) "Negotiable instrument" means documents, containing an unconditional promise to pay a sum of money, which are legally transferable to another party by endorsement or delivery.

(ee) "Opiate" means any drug or other substance having an addiction-forming or
addiction-sustaining liability similar to morphine or being capable of conversion into a drug
having addiction-forming or addiction-sustaining liability.

(ff) "Opium poppy" means the plant of the species papaver somniferum L., except the
seeds of the plant.

(gg) "Person" means any corporation, association, partnership, trust, other institution or
entity or one or more individuals.

(hh) "Poppy straw" means all parts, except the seeds, of the opium poppy, after
mowing.

(ii) "Possession" or "use" means the joint or individual ownership, control, occupancy,
holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection,
or consumption, as distinguished from distribution, of controlled substances and includes
individual, joint, or group possession or use of controlled substances. For a person to be a
possessor or user of a controlled substance, it is not required that the person be shown to have
individually possessed, used, or controlled the substance, but it is sufficient if it is shown that
the person jointly participated with one or more persons in the use, possession, or control of
any substances with knowledge that the activity was occurring, or the controlled substance is
found in a place or under circumstances indicating that the person had the ability and the intent
to exercise dominion and control over it.

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

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

(i) orally or in writing; or

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

(II) "Prescription" means an order issued:
(i) by a licensed practitioner, in the course of that practitioner's professional practice or
by collaborative pharmacy practice agreement; and
(ii) for a controlled substance or other prescription drug or device for use by a patient
or an animal.

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

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

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

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

(2) If a term used in this chapter is not defined, the definition and terms of Title 76,
Utah Criminal Code, shall apply.

Section 4. Section 58-37-3 is amended to read:


(1) All substances listed in Section 58-37-4 are considered controlled.

(2) All substances listed in the federal Controlled Substances Act, Title II, P.L. 91-513,
are considered controlled.

Section 5. Section 58-37-4 is amended to read:

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

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

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

(a) Schedule I:

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

(A) Acetyl-alpha-methylfentanyl

(B) Acetylmethadol;

(C) Allylprodine;

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

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

(E) Alphameprodine;

(F) Alphamethadol;

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

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

(I) Benzethidine;

(J) Betacetylmethadol;

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

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

(M) Betameprodine;

(N) Betamethadol;

(O) Betaprodine;

(P) Clonitazene;

(Q) Dextromoramide;

(R) Diamпромide;

(S) Diethylthiambutene;
648  (T) Difenoxin;
649  (U) Dimenoxadol;
650  (V) Dimepheptanol;
651  (W) Dimethylthiambutene;
652  (X) Dioxaphetyl butyrate;
653  (Y) Dipipanone;
654  (Z) Ethylmethylthiambutene;
655  (AA) Etonitazene;
656  (BB) Etoxeridine;
657  (CC) Furethidine;
658  (DD) Hydroxypethidine;
659  (EE) Ketobemidone;
660  (FF) Levomoramide;
661  (GG) Levophenacylmorphan;
662  (HH) Morphericidine;
663  (II) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
664  (JJ) Noracymethadol;
665  (KK) Norlevorphanol;
666  (LL) Normethadone;
667  (MM) Norpipanone;
668  (NN) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl] propanamide;
669  (OO) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxy)piperidine);
670  (PP) Phenadoxone;
671  (QQ) Phenampropomide;
672  (RR) Phenomorphan;
673  (SS) Phenoperidine;
674  (TT) Piritramide;
(UU) Proheptazine;
(VV) Properidine;
(WW) Propiram;
(XX) Racemoramide;
(YY) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;
(ZZ) Tilidine;
(AAA) Trimeperidine;
(BBB) 3-methylfentanyl, including the optical and geometric isomers
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide); and
(CCC) 3-methylthiofentanyl
(N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).
(ii) Unless specifically excepted or unless listed in another schedule, any of the
following opium derivatives, their salts, isomers, and salts of isomers when the existence of the
salts, isomers, and salts of isomers is possible within the specific chemical designation:
(A) Acetorphine;
(B) Acetyldihydrocodeine;
(C) Benzylmorphine;
(D) Codeine methylbromide;
(E) Codeine-N-Oxide;
(F) Cyprenorphine;
(G) Desomorphine;
(H) Dihydromorphine;
(I) Drotebanol;
(J) Etorphine (except hydrochloride salt);
(K) Heroin;
(L) Hydromorphinol;
(M) Methyldesorphine;
(N) Methylhydromorphine;
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(O) Morphine methylbromide;

(P) Morphine methylsulfonate;

(Q) Morphone-N-Oxide;

(R) Myrophine;

(S) Nicocodeine;

(T) Nicomorphine;

(U) Normorphine;

(V) Pholcodine; and

(W) Thebacon.

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

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

(B) 4-bromo-2,5-dimethoxy-amphetamine, some trade or other names:

4-bromo-2,5-dimethoxy-α-methylphenethylamine; 4-bromo-2,5-DMA;

(C) 4-bromo-2,5-dimethoxyphenethylamine, some trade or other names:

2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus;

(D) 2,5-dimethoxyamphetamine, some trade or other names:

2,5-dimethoxy-α-methylphenethylamine; 2,5-DMA;

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

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

4-methoxy-α-methylphenethylamine; paramethoxyamphetamine, PMA;

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

(H) 4-methyl-2,5-dimethoxyamphetamine, some trade and other names:
4-methyl-2,5-dimethoxy-α-methylphenethylamine; "DOM"; and "STP";
(I) 3,4-methylenedioxy amphetamine;
(J) 3,4-methylenedioxymethamphetamine (MDMA);
(K) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-
alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA;
(L) N-hydroxy-3,4-methylenedioxyamphetamine, also known as
N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA;
(M) 3,4,5-trimethoxy amphetamine;
(N) Bufotenine, some trade and other names:
3-(β-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,
N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
(O) Diethyltryptamine, some trade and other names: N,N-Diethyltryptamine; DET;
(P) Dimethyltryptamine, some trade or other names: DMT;
(Q) Ibogaine, some trade and other names:
7-Ethyl-6,6β,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepino
[5,4-b] indole; Tabernanthe iboga;
(R) Lysergic acid diethylamide;
(S) Marijuana;
(T) Mescaline;
(U) Parahexyl, some trade or other names:
3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl;
(V) Peyote, meaning all parts of the plant presently classified botanically as
Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from
any part of such plant, and every compound, manufacture, salts, derivative, mixture, or
preparation of such plant, its seeds or extracts (Interprets 21 USC 812(c), Schedule I(c) (12));
(W) N-ethyl-3-piperidyl benzilate;
(X) N-methyl-3-piperidyl benzilate;
(Y) Psilocybin;
760 (Z) Psilocyn;
761 (AA) Tetrahydrocannabinols, naturally contained in a plant of the genus Cannabis
762 (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis
763 plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives,
764 and their isomers with similar chemical structure and pharmacological activity to those
765 substances contained in the plant, such as the following: \( \Delta^1 \) cis or trans tetrahydrocannabinol,
766 and their optical isomers \( \Delta^6 \) cis or trans tetrahydrocannabinol, and their optical isomers \( \Delta^3,4 \)
767 cis or trans tetrahydrocannabinol, and its optical isomers, and since nomenclature of these
768 substances is not internationally standardized, compounds of these structures, regardless of
769 numerical designation of atomic positions covered;
770 (BB) Ethylamine analog of phencyclidine, some trade or other names:
771 N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine,
772 N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;
773 (CC) Pyrrolidine analog of phencyclidine, some trade or other names:
774 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP;
775 (DD) Thiophene analog of phencyclidine, some trade or other names:
776 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP; and
777 (EE) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, some other names: TCPy.
778 (iv) Unless specifically excepted or unless listed in another schedule, any material
779 compound, mixture, or preparation which contains any quantity of the following substances
780 having a depressant effect on the central nervous system, including its salts, isomers, and salts
781 of isomers when the existence of the salts, isomers, and salts of isomers is possible within the
782 specific chemical designation:
783 (A) Mecloqualone; and
784 (B) Methaqualone.
785 (v) Any material, compound, mixture, or preparation containing any quantity of the
786 following substances having a stimulant effect on the central nervous system, including their
787 salts, isomers, and salts of isomers:
(A) Aminorex, some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine;
(B) Cathinone, some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;
(C) Fenethylline;
(D) Methcathinone, some other names: 2-((methylamino)-propiophenone;
alpha-(methylamino)propiophenone; 2-(methylamino)-1-phenylpropan-1-one;
alpha-N-methylaminopropiophenone; monomethylpropion; ephedrine; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts of optical isomers;
(E) (+)-cis-4-methylnorex ((+)-cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
(F) N-ethylamphetamine; and
(G) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine.
(vi) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including their optical isomers, salts, and salts of isomers, subject to temporary emergency scheduling:
(A) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl); and
(B) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl).
(vii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of gamma hydroxy butyrate (gamma hydrobutyric acid), including its salts, isomers, and salts of isomers.
(b) Schedule II:
(i) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
(A) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
opiate, excluding apomorphine, dextrophan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, but including:

(I) Raw opium;
(II) Opium extracts;
(III) Opium fluid;
(IV) Powdered opium;
(V) Granulated opium;
(VI) Tincture of opium;
(VII) Codeine;
(VIII) Ethylmorphine;
(IX) Etorphine hydrochloride;
(X) Hydrocodone;
(XI) Hydromorphone;
(XII) Metopon;
(XIII) Morphine;
(XIV) Oxycodone;
(XV) Oxymorphone; and
(XVI) Thebaine;

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

(C) Opium poppy and poppy straw;

(D) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation which is chemically equivalent or identical with any of these substances, and includes cocaine and ecgonine, their salts, isomers, derivatives, and salts of isomers and derivatives, whether derived from the coca plant or synthetically produced, except the substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and
(E) Concentrate of poppy straw, which means the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy.

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

(A) Alfentanil;
(B) Alphaprodine;
(C) Anileridine;
(D) Bezitramide;
(E) Bulk dextropropoxyphene (nondosage forms);
(F) Carfentanil;
(G) Dihydrocodeine;
(H) Diphenoxylate;
(I) Fentanyl;
(J) Isomethadone;

(K) Levo-alpha-acetylmethadol, some other names: levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;
(L) Levomethorphan;
(M) Levorphanol;
(N) Metazocine;
(O) Methadone;
(P) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(Q) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
(R) Pethidine (meperidine);
(S) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
(T) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
(U) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
(V) Phenazocine;
(W) Piminodine;
(X) Racemethorphan;
(Y) Racemorphan;
(Z) Remifentanil; and
(AA) Sufentanil.

(iii) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture, or preparation which contains any quantity of the following substances
having a stimulant effect on the central nervous system:
(A) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
(B) Methamphetamine, its salts, isomers, and salts of its isomers;
(C) Phenmetrazine and its salts; and
(D) Methylphenidate.

(iv) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture, or preparation which contains any quantity of the following substances
having a depressant effect on the central nervous system, including its salts, isomers, and salts
of isomers when the existence of the salts, isomers, and salts of isomers is possible within the
specific chemical designation:
(A) Amobarbital;
(B) Glutethimide;
(C) Pentobarbital;
(D) Phencyclidine;
(E) Phencyclidine immediate precursors: 1-phenylcyclohexylamine and
1-piperidinocyclohexanecarbonitrile (PCC); and
(F) Secobarbital.

(v) (A) Unless specifically excepted or unless listed in another schedule, any material,
compound, mixture, or preparation which contains any quantity of Phenylacetone.
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(B) Some of these substances may be known by trade or other names:

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

(vi) Nabilone, another name for nabilone:

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

(c) Schedule III:

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

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

(B) Benzphetamine;

(C) Chlorthemidine;

(D) Clortermine; and

(E) Phendimetrazine.

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

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

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

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

(D) Chlorhexadol;

(E) Buprenorphone;

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

(G) Ketamine, its salts, isomers, and salts of isomers, some other names for ketamine:

±-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone;

(H) Lysergic acid;

(I) Lysergic acid amide;

(J) Methyprylon;

(K) Sulfondiethylmethane;

(L) Sulfonethylmethane;

(M) Sulfonmethane; and

(N) Tiletamine and zolazepam or any of their salts, some trade or other names for a tiletamine-zolazepam combination product: Telazol, some trade or other names for tiletamine:

2-(ethylamino)-2-(2-thienyl)-cyclohexanone, some trade or other names for zolazepam:

4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon.

(iii) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved drug product, some other names for dronabinol:

(6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.

(iv) Nalorphine.

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

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

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

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

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

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

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

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

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

(vi) Unless specifically excepted or unless listed in another schedule, anabolic steroids including any of the following or any isomer, ester, salt, or derivative of the following that promotes muscle growth:
(A) Boldenone;
(B) Chlorotestosterone (4-chlorotestosterone);
(C) Clostebol;
(D) Dehydrochlormethyltestosterone;
(E) Dihydrotestosterone (4-dihydrotestosterone);
(F) Drostanolone;
(G) Ethylestrenol;
(H) Fluoxymesterone;
(I) Formebulone (formebolone);
(J) Mesterolone;
(K) Methandienone;
(L) Methandranone;
(M) Methandriol;
(N) Methandrostenolone;
(O) Methenolone;
(P) Methyltestosterone;
(Q) Mibolerone;
(R) Nandrolone;
(S) Norethandrolone;
(T) Oxandrolone;
(U) Oxymesterone;
(V) Oxymetholone;
(W) Stanolone;
(X) Stanozolol;
(Y) Testolactone;
(Z) Testosterone; and
(AA) Trenbolone.
(vii) Anabolic steroids expressly intended for administration through implants to cattle.
or other nonhuman species, and approved by the Secretary of Health and Human Services for use, may not be classified as a controlled substance.

(d) Schedule IV:

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

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

(A) Alprazolam;
(B) Barbital;
(C) Bromazepam;
(D) Butorphanol;
(E) Camazepam;
(F) Carisoprodol;
(G) Chlortal betaine;
(H) Chlortal hydrate;
(I) Chlordiazepoxide;
(J) Clobazam;
(K) Clonazepam;
(L) Clorazepate;
(M) Clotiazepam;
(N) Cloxazolam;
(O) Delorazepam;
(P) Diazepam;
(Q) Dichloralphenazone;
(R) Estazolam;
(S) Ethchlorvynol;
(T) Ethinamate;
(U) Ethyl loflazepate;
(V) Fludiazepam;
(W) Flunitrazepam;
(X) Flurazepam;
(Y) Halazepam;
(Z) Haloxazolam;
(AA) Ketazolam;
(BB) Loprazolam;
(CC) Lorazepam;
(DD) Lormetazepam;
(EE) Mebutamate;
(FF) Medazepam;
(GG) Meprobamate;
(HH) Methohexital;
(II) Methylphenobarbital (mephobarbital);
(JJ) Midazolam;
(KK) Nimetazepam;
(LL) Nitrazepam;
(MM) Nordiazepam;
(NN) Oxazepam;
(OO) Oxazolam;
(PP) Paraldehyde;
(QQ) Pentazocine;
(RR) Petrichloral;
(SS) Phenobarbital;
(TT) Pinazepam;
(UU) Prazepam;
(VV) Quazepam;
(WW) Temazepam;
(XX) Tetrazepam;
(YY) Triazolam;
(ZZ) Zaleplon; and
(AAA) Zolpidem.

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

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

(A) Cathine ((+)-norpseudoephedrine);
(B) Diethylpropion;
(C) Fencamfamine;
(D) Fenproporex;
(E) Mazindol;
(F) Mefenorex;
(G) Modafinil;
(H) Pemoline, including organometallic complexes and chelates thereof;
(I) Phentermine;
(J) Pipradrol;
(K) Sibutramine; and
(L) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of dextropropoxyphene (alpha-\((+)-4\)-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane), including its salts.

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

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

Section 6. Section **58-37-4.2** is enacted to read:

### 58-37-4.2. Listed controlled substances.

The following substances, their analogs, homologs, and synthetic equivalents are listed controlled substances:

1. AM-694:1-\([(5\text{-fluoropentyl})-1\text{H-indol-3-yl}]\)-(2-iodophenyl)methanone;
2. CP 47,497 and its C6, C8, and C9 homologs; 2-\([(1\text{R,3S})-3\text{-hydroxycyclohexyl}]\)-5-(2-methyloctan-2-yl)phenol;
(3) HU-210: (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[\text{c}]chromen-1-ol;

(4) HU-211; Dexamabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[\text{c}]chromen-1-ol;

(5) JWH-015; (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone;

(6) JWH-018; Naphthalen-1-yl-(pentylinol-3-yl)methanone {also known as 1-Pentyl-3-(1-naphthoyl)indole};

(7) JWH-019; 1-hexyl-3-(1-naphthoyl)indole;

(8) JWH-073; Naphthalen-1-yl(1-butylindol-3-yl)methanone {also known as 1-Butyl-3-(1-naphthoyl)indole};

(9) JWH-081; 4-methoxynaphthalen-1-yl-(1-pentylinol-3-yl)methanone;

(10) JWH-122; CAS#619294-47-2; (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);

(11) JWH-200; 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

(12) JWH-250; 1-pentyl-3-(2-methoxyphenylacetyl)indole;

(13) JWH-251; 2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone;

(14) JWH-398; 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

(15) RCS-8; 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole {also known as BTW-8 and SR-18};

(16) 4-methylmethcathinone {also known as mephedrone};

(17) 3,4-methylenedioxypyrovalerone {also known as MDPV};

(18) 3,4-Methylenedioxymethcathinone {also known as methylone};

(19) 4-methoxymethcathinone;

(20) 4-Fluoromethcathinone; and

(21) 3-Fluoromethcathinone.

Section 7. Section 58-37-6 is amended to read:

58-37-6. License to manufacture, produce, distribute, dispense, administer, or conduct research -- Issuance by division -- Denial, suspension, or revocation -- Records required -- Prescriptions.
The division may adopt rules relating to the licensing and control of the
manufacture, distribution, production, prescription, administration, dispensing, conducting of
research with, and performing of laboratory analysis upon controlled substances within this
state.
(b) The division may assess reasonable fees to defray the cost of issuing original and
renewal licenses under this chapter pursuant to Section 63J-1-504.
(2) (a) (i) Every person who manufactures, produces, distributes, prescribes, dispenses,
administers, conducts research with, or performs laboratory analysis upon any controlled
substance in Schedules II through V within this state, or who proposes to engage in
manufacturing, producing, distributing, prescribing, dispensing, administering, conducting
research with, or performing laboratory analysis upon controlled substances included in
Schedules II through V within this state shall obtain a license issued by the division.
(ii) The division shall issue each license under this chapter in accordance with a
two-year renewal cycle established by rule. The division may by rule extend or shorten a
renewal period by as much as one year to stagger the renewal cycles it administers.
(b) Persons licensed to manufacture, produce, distribute, prescribe, dispense,
administer, conduct research with, or perform laboratory analysis upon controlled substances in
Schedules II through V within this state may possess, manufacture, produce, distribute,
prescribe, dispense, administer, conduct research with, or perform laboratory analysis upon
those substances to the extent authorized by their license and in conformity with this chapter.
(c) The following persons are not required to obtain a license and may lawfully possess
controlled substances under this section:
(i) an agent or employee, except a sales representative, of any registered manufacturer,
distributor, or dispenser of any controlled substance, if the agent or employee is acting in the
usual course of the person's business or employment; however, nothing in this subsection shall
be interpreted to permit an agent, employee, sales representative, or detail man to maintain an
inventory of controlled substances separate from the location of the person's employer's
registered and licensed place of business;
(ii) a motor carrier or warehouseman, or an employee of a motor carrier or
warehouseman, who possesses any controlled substance in the usual course of the person’s
business or employment; and
(iii) an ultimate user, or any person who possesses any controlled substance pursuant to
a lawful order of a practitioner.
(d) The division may enact rules waiving the license requirement for certain
manufacturers, producers, distributors, prescribers, dispensers, administrators, research
practitioners, or laboratories performing analysis if consistent with the public health and safety.
(e) A separate license is required at each principal place of business or professional
practice where the applicant manufactures, produces, distributes, dispenses, conducts research
with, or performs laboratory analysis upon controlled substances.
(f) The division may enact rules providing for the inspection of a licensee or applicant's
establishment, and may inspect the establishment according to those rules.
(3) (a) Upon proper application, the division shall license a qualified applicant to
manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon
controlled substances included in Schedules I through V, unless it determines that issuance of a
license is inconsistent with the public interest. The division shall not issue a license to any
person to prescribe, dispense, or administer a Schedule I controlled substance. In determining
public interest, the division shall consider whether or not the applicant has:
(i) maintained effective controls against diversion of controlled substances and any
Schedule I or II substance compounded from any controlled substance into other than
legitimate medical, scientific, or industrial channels;
(ii) complied with applicable state and local law;
(iii) been convicted under federal or state laws relating to the manufacture, distribution,
or dispensing of substances;
(iv) past experience in the manufacture of controlled dangerous substances;
(v) established effective controls against diversion; and
(vi) complied with any other factors that the division establishes that promote the
(b) Licenses granted under Subsection (3)(a) do not entitle a licensee to manufacture, produce, distribute, conduct research with, or perform laboratory analysis upon controlled substances in Schedule I other than those specified in the license.

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

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

(iii) With respect to research involving narcotic substances in Schedules II through V, or where the division by rule requires a separate license for research of nonnarcotic substances in Schedules II through V, a practitioner shall apply to the division prior to conducting research.

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

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

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

(e) The division shall initially license those persons who own or operate an establishment engaged in the manufacture, production, distribution, dispensation, or administration of controlled substances prior to April 3, 1980, and who are licensed by the
(4) (a) Any license pursuant to Subsection (2) or (3) may be denied, suspended, placed on probation, or revoked by the division upon finding that the applicant or licensee has:

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

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

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

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

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

(vi) violated any division rule that reflects adversely on the licensee's reliability and integrity with respect to controlled substances;

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

(b) (i) Every physician, dentist, naturopathic physician, veterinarian, practitioner, or other person who is authorized to administer or professionally use a controlled substance shall keep a record of the drugs received by him and a record of all drugs administered, dispensed, or
1292 professionally used by him otherwise than by a prescription.
1293 
1294 (ii) A person using small quantities or solutions or other preparations of those drugs for
1295 local application has complied with this Subsection (5)(b) if the person keeps a record of the
1296 quantity, character, and potency of those solutions or preparations purchased or prepared by
1297 him, and of the dates when purchased or prepared.
1298 
1299 (6) Controlled substances in Schedules I through V may be distributed only by a
1300 licensee and pursuant to an order form prepared in compliance with division rules or a lawful
1301 order under the rules and regulations of the United States.
1302 
1303 (7) (a) A person may not write or authorize a prescription for a controlled substance
1304 unless the person is:
1305 
1306 (i) a practitioner authorized to prescribe drugs and medicine under the laws of this state
1307 
1308 or under the laws of another state having similar standards; and
1309 
1310 (ii) licensed under this chapter or under the laws of another state having similar
1311 standards.
1312 
1313 (b) A person other than a pharmacist licensed under the laws of this state, or the
1314 pharmacist's licensed intern, as required by Sections 58-17b-303 and 58-17b-304, may not
1315 dispense a controlled substance.
1316 
1317 (c) (i) A controlled substance may not be dispensed without the written prescription of
1318 a practitioner, if the written prescription is required by the federal Controlled Substances Act.
1319 
1320 (ii) That written prescription shall be made in accordance with Subsection (7)(a) and in
1321 conformity with Subsection (7)(d).
1322 
1323 (iii) In emergency situations, as defined by division rule, controlled substances may be
1324 dispensed upon oral prescription of a practitioner, if reduced promptly to writing on forms
1325 designated by the division and filed by the pharmacy.
1326 
1327 (iv) Prescriptions reduced to writing by a pharmacist shall be in conformity with
1328 Subsection (7)(d).
1329 
1330 (d) Except for emergency situations designated by the division, a person may not issue,
1331 fill, compound, or dispense a prescription for a controlled substance unless the prescription is
signed by the prescriber in ink or indelible pencil or is signed with an electronic signature of the prescriber as authorized by division rule, and contains the following information:

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

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

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

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

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

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

(i) (A) A prescription for a Schedule II substance may not be refilled.

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

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

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

(iv) Any prescription for a Schedule II substance may not be dispensed if it is not presented to a pharmacist for dispensing by a pharmacist or a pharmacy intern within 30 days after the date the prescription was issued, or 30 days after the dispensing date, if that date is specified separately from the date of issue.

(v) A practitioner may issue more than one prescription at the same time for the same Schedule II controlled substance, but only under the following conditions:
(A) no more than three prescriptions for the same Schedule II controlled substance may be issued at the same time;

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

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

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

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

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

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

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

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

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

(h) A practitioner licensed under this chapter may not prescribe, administer, or
dispense a controlled substance to a child, without first obtaining the consent required in Section 78B-3-406 of a parent, guardian, or person standing in loco parentis of the child except in cases of an emergency. For purposes of this Subsection (7)(h), "child" has the same meaning as defined in Section 78A-6-105, and "emergency" means any physical condition requiring the administration of a controlled substance for immediate relief of pain or suffering.

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

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

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

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

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

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

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

(8)(a)(i) Any person licensed under this chapter who is found by the division to have violated any of the provisions of Subsections (7)(k) through (7)(o) or Subsection (10) is subject to a penalty not to exceed $5,000. The division shall determine the procedure for adjudication.
of any violations in accordance with Sections 58-1-106 and 58-1-108.

(ii) The division shall deposit all penalties collected under Subsection (8)(a)(i) in the General Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).

(b) Any person who knowingly and intentionally violates Subsections (7)(h) through (7)(j) or Subsection (10) is:

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

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

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

(c) Any person who knowingly and intentionally violates Subsections (7)(k) through (7)(o) shall upon conviction be guilty of a third degree felony.

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

(10) A person holding a valid license under this chapter who is engaged in medical research may produce, possess, or administer, but may not prescribe or dispense, a controlled substance listed in Section 58-37-4.2.

Section 8. Section 58-37-8 is amended to read:


(1) Prohibited acts A -- Penalties:

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

(i) produce, manufacture, or dispense, or to possess with intent to produce, manufacture, or dispense, a controlled or counterfeit substance;

(ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or arrange to distribute a controlled or counterfeit substance;

(iii) possess a controlled or counterfeit substance with intent to distribute; or

(iv) engage in a continuing criminal enterprise where:

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

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

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

(i) a substance or a counterfeit of a substance classified in Schedule I or II, a controlled substance analog, or gammahydroxybutyric acid as listed in Schedule III is guilty of a second degree felony and upon a second or subsequent conviction is guilty of a first degree felony;

(ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree felony, and upon a second or subsequent conviction is guilty of a second degree felony; or

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

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

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

(2) Prohibited acts B -- Penalties:
(a) It is unlawful:

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

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

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

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

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

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

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

(c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a conviction under Subsection (1)(a), that person shall be sentenced to a one degree greater penalty than provided in this Subsection (2).

(d) Any person who violates Subsection (2)(a)(i) with respect to all other controlled substances not included in Subsection (2)(b)(i), (ii), or (iii), including a substance listed in Section 58-37-4.2, or less than one ounce of marijuana, is guilty of a class B misdemeanor. Upon a second conviction the person is guilty of a class A misdemeanor, and upon a third or subsequent conviction the person is guilty of a third degree felony.

(e) Any person convicted of violating Subsection (2)(a)(i) while inside the exterior
boundaries of property occupied by any correctional facility as defined in Section 64-13-1 or any public jail or other place of confinement shall be sentenced to a penalty one degree greater than provided in Subsection (2)(b), and if the conviction is with respect to controlled substances as listed in:

(i) Subsection (2)(b), the person may be sentenced to imprisonment for an indeterminate term as provided by law, and:

(A) the court shall additionally sentence the person convicted to a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and

(ii) Subsection (2)(d), the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted to a term of six months to run consecutively and not concurrently.

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

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

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

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

(g) A person is subject to the penalties under Subsection (2)(h) who, in an offense not amounting to a violation of Section 76-5-207:

(i) violates Subsection (2)(a)(i) by knowingly and intentionally having in the person's body any measurable amount of a controlled substance; and

(ii) operates a motor vehicle as defined in Section 76-5-207 in a negligent manner, causing serious bodily injury as defined in Section 76-1-601 or the death of another.

(h) A person who violates Subsection (2)(g) by having in the person's body:

(i) a controlled substance classified under Schedule I, other than those described in Subsection (2)(h)(ii), or a controlled substance classified under Schedule II is guilty of a second degree felony;

(ii) marijuana, tetrahydrocannabinols, or equivalents described in Subsection
1516 58-37-4(2)(a)(iii)(S) or (AA), or a substance listed in Section 58-37-4.2 is guilty of a third
1517 degree felony; or
1518 (iii) any controlled substance classified under Schedules III, IV, or V is guilty of a class
1519 A misdemeanor.
1520 (i) A person is guilty of a separate offense for each victim suffering serious bodily
1521 injury or death as a result of the person's negligent driving in violation of Subsection
1522 58-37-8(2)(g) whether or not the injuries arise from the same episode of driving.
1523 (3) Prohibited acts C -- Penalties:
1524 (a) It is unlawful for any person knowingly and intentionally:
1525 (i) to use in the course of the manufacture or distribution of a controlled substance a
1526 license number which is fictitious, revoked, suspended, or issued to another person or, for the
1527 purpose of obtaining a controlled substance, to assume the title of, or represent oneself to be, a
1528 manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized
1529 person;
1530 (ii) to acquire or obtain possession of, to procure or attempt to procure the
1531 administration of, to obtain a prescription for, to prescribe or dispense to any person known to
1532 be attempting to acquire or obtain possession of, or to procure the administration of any
1533 controlled substance by misrepresentation or failure by the person to disclose receiving any
1534 controlled substance from another source, fraud, forgery, deception, subterfuge, alteration of a
1535 prescription or written order for a controlled substance, or the use of a false name or address;
1536 (iii) to make any false or forged prescription or written order for a controlled substance,
1537 or to utter the same, or to alter any prescription or written order issued or written under the
1538 terms of this chapter; or
1539 (iv) to make, distribute, or possess any punch, die, plate, stone, or other thing designed
1540 to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or
1541 device of another or any likeness of any of the foregoing upon any drug or container or labeling
1542 so as to render any drug a counterfeit controlled substance.
1543 (b) Any person convicted of violating Subsection (3)(a) is guilty of a third degree
felony.
(4) Prohibited acts D -- Penalties:
(a) Notwithstanding other provisions of this section, a person not authorized under this chapter who commits any act declared to be unlawful under this section, Title 58, Chapter 37a, Utah Drug Paraphernalia Act, or under Title 58, Chapter 37b, Imitation Controlled Substances Act, is upon conviction subject to the penalties and classifications under this Subsection (4) if the trier of fact finds the act is committed:
(i) in a public or private elementary or secondary school or on the grounds of any of those schools;
(ii) in a public or private vocational school or postsecondary institution or on the grounds of any of those schools or institutions;
(iii) in those portions of any building, park, stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under Subsections (4)(a)(i) and (ii);
(iv) in or on the grounds of a preschool or child-care facility;
(v) in a public park, amusement park, arcade, or recreation center;
(vi) in or on the grounds of a house of worship as defined in Section 76-10-501;
(vii) in a shopping mall, sports facility, stadium, arena, theater, movie house, playhouse, or parking lot or structure adjacent thereto;
(viii) in or on the grounds of a library;
(ix) within any area that is within 1,000 feet of any structure, facility, or grounds included in Subsections (4)(a)(i), (ii), (iv), (vi), and (vii);
(x) in the presence of a person younger than 18 years of age, regardless of where the act occurs; or
(xi) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of this section to an inmate or on the grounds of any correctional facility as defined in Section 76-8-311.3.
(b) (i) A person convicted under this Subsection (4) is guilty of a first degree felony
and shall be imprisoned for a term of not less than five years if the penalty that would otherwise have been established but for this Subsection (4) would have been a first degree felony.

(ii) Imposition or execution of the sentence may not be suspended, and the person is not eligible for probation.

(c) If the classification that would otherwise have been established would have been less than a first degree felony but for this Subsection (4), a person convicted under this Subsection (4) is guilty of one degree more than the maximum penalty prescribed for that offense. This Subsection (4)(c) does not apply to a violation of Subsection (2)(g).

(d) (i) If the violation is of Subsection (4)(a)(xi):

(A) the person may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the person convicted for a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the person convicted for an indeterminate term not to exceed five years to run consecutively and not concurrently; and

(ii) the penalties under this Subsection (4)(d) apply also to any person who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection (4)(a)(xi).

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

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

(6) For purposes of penalty enhancement under Subsections (1)(b) and (2)(c), a plea of guilty or no contest to a violation of this section which is held in abeyance under Title 77,
Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(7) A person may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this chapter.

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

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

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

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

(11) Civil or criminal liability may not be imposed under this section on:

(a) any person registered under this chapter who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or

(b) any law enforcement officer acting in the course and legitimate scope of the officer's employment.

(12) (a) Civil or criminal liability may not be imposed under this section on any Indian, as defined in Subsection 58-37-2(1)(v), who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion as defined in Subsection 58-37-2(1)(w).

(b) In a prosecution alleging violation of this section regarding peyote as defined in
Subsection 58-37-4(2)(a)(iii)(V), it is an affirmative defense that the peyote was used,
possessed, or transported by an Indian for bona fide traditional ceremonial purposes in
connection with the practice of a traditional Indian religion.

(c) (i) The defendant shall provide written notice of intent to claim an affirmative
defense under this Subsection (12) as soon as practicable, but not later than 10 days prior to
trial.

(ii) The notice shall include the specific claims of the affirmative defense.

(iii) The court may waive the notice requirement in the interest of justice for good
cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(d) The defendant shall establish the affirmative defense under this Subsection (12) by
a preponderance of the evidence. If the defense is established, it is a complete defense to the
charges.

(13) (a) It is an affirmative defense that the person produced, possessed, or
administered a controlled substance listed in Section 58-37-4.2 if the person:

(i) was engaged in medical research; and

(ii) was a holder of a valid license to possess controlled substances under Section
58-37-6.

(b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed
a controlled substance listed in Section 58-37-4.2.

(14) It is an affirmative defense that the person possessed, in the person's body, a
controlled substance listed in Section 58-37-4.2 if:

(a) the person was the subject of medical research conducted by a holder of a valid
license to possess controlled substances under Section 58-37-6; and

(b) the substance was administered to the person by the medical researcher.

(15) If any provision of this chapter, or the application of any provision to any
person or circumstances, is held invalid, the remainder of this chapter shall be given effect
without the invalid provision or application.

(16) A legislative body of a political subdivision may not enact an ordinance that is
Section 9. Section 58-38a-203 is amended to read:

58-38a-203. Duties of the committee.

(1) The committee serves as a consultative and advisory body to the Legislature regarding:

(a) the movement of a controlled substance from one schedule or list to another;
(b) the removal of a controlled substance from any schedule or list; and
(c) the designation of a substance as a controlled substance and the placement of the substance in a designated schedule or list.

(2) On or before September 30 of each year, the committee shall submit to the Health and Human Services Interim Committee a written report:

(a) [listing] describing any substances recommended by the committee for scheduling, rescheduling, listing, or deletion from the schedules or list by the Legislature; and
(b) stating the reasons for the recommendation.

(3) In advising the Legislature regarding the need to add, delete, relist, or reschedule a substance, the committee shall consider:

(a) the actual or probable abuse of the substance, including:
(i) the history and current pattern of abuse both in Utah and in other states;
(ii) the scope, duration, and significance of abuse;
(iii) the degree of actual or probable detriment to public health which may result from abuse of the substance; and
(iv) the probable physical and social impact of widespread abuse of the substance;
(b) the biomedical hazard of the substance, including:
(i) its pharmacology, including the effects and modifiers of the effects of the substance;
(ii) its toxicology, acute and chronic toxicity, interaction with other substances, whether controlled or not, and the degree to which it may cause psychological or physiological dependence; and
(iii) the risk to public health and the particular susceptibility of segments of the
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1684 population;
1685 (c) whether the substance is an immediate precursor, as defined in Section 58-37-2, of
1686 a substance that is currently a controlled substance;
1687 (d) the current state of scientific knowledge regarding the substance, including whether
1688 there is any acceptable means to safely use the substance under medical supervision;
1689 (e) the relationship between the use of the substance and criminal activity, including
1690 whether:
1691 (i) persons engaged in illicit trafficking of the substance are also engaged in other
1692 criminal activity;
1693 (ii) the nature and relative profitability of manufacturing or delivering the substance
1694 encourages illicit trafficking in the substance;
1695 (iii) the commission of other crimes is one of the recognized effects of abuse of the
1696 substance; and
1697 (iv) addiction to the substance relates to the commission of crimes to facilitate the
1698 continued use of the substance;
1699 (f) whether the substance has been scheduled by other states; and
1700 (g) whether the substance has any accepted medical use in treatment in the United
1701 States.
1702 (4) The committee's duties under this chapter do not include tobacco products as
1703 defined in Section 59-14-102 or alcoholic beverages as defined in Section 32A-1-105.
1704 Section 10. Section 58-38a-204 is amended to read:
1705 58-38a-204. Guidelines for scheduling or listing drugs.
1706 (1) (a) The committee shall recommend placement of a substance in Schedule I if it
1707 finds:
1708 (i) that the substance has high potential for abuse; and
1709 (ii) that an accepted standard has not been established for safe use in treatment for
1710 medical purposes.
1711 (b) The committee may recommend placement of a substance in Schedule I under
Section 58-37-4 if it finds that the substance is classified as a controlled substance in Schedule I under federal law.

(2) (a) The committee shall recommend placement of a substance in Schedule II if it finds that:

(i) the substance has high potential for abuse;
(ii) the substance has a currently accepted medical use in treatment in the United States, or a currently accepted medical use subject to severe restrictions; and
(iii) the abuse of the substance may lead to severe psychological or physiological dependence.

(b) The committee may recommend placement of a substance in Schedule II if it finds that the substance is classified as a controlled substance in Schedule II under federal law.

(3) (a) The committee shall recommend placement of a substance in Schedule III if it finds that:

(i) the substance has a potential for abuse that is less than the potential for substances listed in Schedules I and II;
(ii) the substance has a currently accepted medical use in treatment in the United States; and
(iii) abuse of the substance may lead to moderate or low physiological dependence or high psychological dependence.

(b) The committee may recommend placement of a substance in Schedule III if it finds that the substance is classified as a controlled substance in Schedule III under federal law.

(4) (a) The committee shall recommend placement of a substance in Schedule IV if it finds that:

(i) the substance has a low potential for abuse relative to substances in Schedule III;
(ii) the substance has currently accepted medical use in treatment in the United States; and
(iii) abuse of the substance may lead to limited physiological dependence or psychological dependence relative to the substances in Schedule III.
(b) The committee may recommend placement of a substance in Schedule IV if it finds that the substance is classified as a controlled substance in Schedule IV under federal law.

(5) (a) The committee shall recommend placement of a substance in Schedule V if it finds that:

(i) the substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(ii) the substance has currently accepted medical use in treatment in the United States;

and

(iii) the substance has limited physiological dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

(b) The committee may recommend placement of a substance in Schedule V under this chapter if it finds that the substance is classified as a controlled substance in Schedule V under federal law.

(6) The committee may recommend placement of a substance on a controlled substance list if it finds that the substance has a potential for abuse and that an accepted standard has not been established for safe use in treatment for medical purposes.

Section 11. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override, except that the amendments to Section 58-37-2 (Effective 07/01/11) take effect on July 1, 2011.