An Act

ENROLLED HOUSE
BILL NO. 3241

By: Derby, Ritze and Pittman of the House

and

Sykes of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Section 2-204, as last amended by Section 1, Chapter 332, O.S.L. 2008 (63 O.S. Supp. 2009, Section 2-204), which relates to Schedule I controlled substances; adding substances to Schedule I; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-204, as last amended by Section 1, Chapter 332, O.S.L. 2008 (63 O.S. Supp. 2009, Section 2-204), is amended to read as follows:

Section 2-204. The controlled substances listed in this section are included in Schedule I.

A. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetylmethadol;

2. Allylprodine;

3. Alphacetylmethadol;

4. Alphameprodine;

5. Alphamethadol;

6. Benzethidine;

7. Betacetylmethadol;

8. Betameprodine;

9. Betamethadol;

10. Betaprodine;

11. Clonitazene;

12. Dextromoramide;

13. Dextrorphan (except its methyl ether);

14. Diampromide;

15. Diethylthiambutene;

16. Dimenoxadol;

17. Dimepheptanol;

18. Dimethylthiambutene;

19. Dioxaphetyl butyrate;

20. Dipipanone;

21. Ethylmethylthiambutene;

22. Etonitazene;

23. Etoxeridine;

24. Furethidine;

25. Hydroxypethidine;

26. Ketobemidone;

27. Levomoramide;

28. Levophenacylmorphan;

29. Morpheridine;

30. Noracymethadol;

31. Norlevorphanol;

32. Normethadone;

33. Norpipanone;

34. Phenadoxone;

35. Phenampromide;

36. Phenomorphan;

37. Phenoperidine;

38. Piritramide;

39. Proheptazine;

40. Properidine;

41. Racemoramide;

42. Trimeperidine;

43. Flunitrazepam;

44. B-hydroxy-amphetamine;

45. B-ketoamphetamine;

46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;

47. 2,5-dimethoxy-4-methylamphetamine;

48. 2,5-dimethoxy-4-bromoamphetamine;

49. 2,5-dimethoxy-4-nitroamphetamine;

50. 2,5-dimethoxy-4-bromophenethylamine;

51. 2,5-dimethoxy-4-chlorophenethylamine;

52. 2,5-dimethoxy-4-iodoamphetamine;

53. 2,5-dimethoxy-4-iodophenethylamine;

54. 2,5-dimethoxy-4-methylphenethylamine;

55. 2,5-dimethoxy-4-ethylphenethylamine;

56. 2,5-dimethoxy-4-fluorophenethylamine;

57. 2,5-dimethoxy-4-nitrophenethylamine;

58. 2,5-dimethoxy-4-ethylthio-phenethylamine;

59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;

60. 2,5-dimethoxy-4-propylthio-phenethylamine;

61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;

62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;

63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;

64. 5-methoxy-N, N-dimethyltryptamine;

65. N-methyltryptamine;

66. A-ethyltryptamine;

67. A-methyltryptamine;

68. N, N-diethyltryptamine;

69. N, N-diisopropyltryptamine;

70. N, N-dipropyltryptamine;

71. 5-methoxy-a-methyltryptamine;

72. 4-hydroxy-N, N-diethyltryptamine;

73. 4-hydroxy-N, N-diisopropyltryptamine;

74. 5-methoxy-N, N-diisopropyltryptamine; or

75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

B. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;

2. Acetyldihydrocodeine;

3. Benzylmorphine;

4. Codeine methylbromide;

5. Codeine-N-Oxide;

6. Cyprenorphine;

7. Desomorphine;

8. Dihydromorphine;

9. Etorphine;

10. Heroin;

11. Hydromorphinol;

12. Methyldesorphine;

13. Methylhydromorphine;

14. Morphine methylbromide;

15. Morphine methylsulfonate;

16. Morphine-N-Oxide;

17. Myrophine;

18. Nicocodeine;

19. Nicomorphine;

20. Normorphine;

21. Phoclodine; or

22. Thebacon.

C. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Methcathinone;

2. 3, 4-methylenedioxy amphetamine;

3. 3, 4-methylenedioxy methamphetamine;

4. 5-methoxy-3, 4-methylenedioxy amphetamine;

5. 3, 4, 5-trimethoxy amphetamine;

6. Bufotenine;

7. Diethyltryptamine;

8. Dimethyltryptamine;

9. 4-methyl-2, 5-dimethoxyamphetamine;

10. Ibogaine;

11. Lysergic acid diethylamide;

12. Marihuana;

13. Mescaline;

14. N-benzylpiperazine;

15. N-ethyl-3-piperidyl benzilate;

16. N-methyl-3-piperidyl benzilate;

17. Psilocybin;

18. Psilocyn;

19. 2, 5 dimethoxyamphetamine;

20. 4 Bromo-2, 5-dimethoxyamphetamine;

21. 4 methoxyamphetamine;

22. Cyclohexamine;

23. Salvia Divinorum;

24. Salvinorin A;

25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;

26. Phencyclidine (PCP); ~~or~~

27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phenyclyclohexyl) - Pyrrolidine, PCPy, PHP;

28. 1-(2-[trifluoromethylphenyl]) piperazine;

29. 1-Butyl-3-(1-naphthoyl)indole;

30. 1-Pentyl-3-(1-naphthoyl)indole; or

31. (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

D. Unless specifically excepted or unless listed in a different schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Fenethylline;

2. Mecloqualone;

3. N-ethylamphetamine;

4. Methaqualone;

5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate;

6. Gamma-Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption, with the exception of legitimate food additive and manufacturing purposes;

7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;

8. Gamma Valerolactone (GVL) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes; or

9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed, manufactured, or promoted for human consumption with the exception of legitimate manufacturing purposes.

E. 1. The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are excluded from all schedules of controlled substances under this title:

a. pesticides,

b. photochemical etching,

c. electrolytes of small batteries or capacitors,

d. viscosity modifiers in polyurethane,

e. surface etching of metal coated plastics,

f. organic paint disbursements for water soluble inks,

g. pH regulators in the dyeing of wool and polyamide fibers,

h. foundry chemistry as a catalyst during curing,

i. curing agents in many coating systems based on urethanes and amides,

j. additives and flavoring agents in food, confectionary, and beverage products,

k. synthetic fiber and clothing production,

l. tetrahydrofuran production,

m. gamma butyrolactone production,

n. polybutylene terephthalate resin production,

o. polyester raw materials for polyurethane elastomers and foams,

p. coating resin raw material, and

q. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

2. At the request of any person, the Director may exempt any other product containing Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol from being included as a Schedule I controlled substance if such product is labeled, marketed, manufactured and distributed for legitimate industrial use in a manner that reduces or eliminates the likelihood of abuse.

3. In making a determination regarding an industrial product, the Director, after notice and hearing, shall consider the following:

a. the history and current pattern of abuse,

b. the name and labeling of the product,

c. the intended manner of distribution, advertising and promotion of the product, and

d. other factors as may be relevant to and consistent with the public health and safety.

4. The hearing shall be held in accordance with the procedures of the Administrative Procedures Act.

SECTION 2. This act shall become effective November 1, 2010.

Passed the House of Representatives the 9th day of March, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 21st day of April, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 26th **day of** April, **20**10, **at** 3:45 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 28th **day of** April, **20**10, **at** 5:30 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 29th **day of** April, **20**10, **at** 2:30 **o'clock** P **M.**

By: Michelle Waddell