

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 3

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO UNIFORMED CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO CERTAIN SCHEDULE I CONTROLLED SUBSTANCES; AND AMENDING SECTION 37-2707, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE II CONTROLLED SUBSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alphacetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl;
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;
- (17) Dextromoramide;
- (18) Diampromide;
- (19) Diethylthiambutene;
- (20) Difenoxin;
- (21) Dimenoxadol;
- (22) Dimepheptanol;
- (23) Dimethylthiambutene;

- 1 (24) Dioxaphetyl butyrate;
- 2 (25) Dipipanone;
- 3 (26) Ethylmethylthiambutene;
- 4 (27) Etonitazene;
- 5 (28) Etoxeridine;
- 6 (29) Furethidine;
- 7 (30) Hydroxypethidine;
- 8 (31) Ketobemidone;
- 9 (32) Levomoramide;
- 10 (33) Levophenacymorphan;
- 11 (34) 3-Methylfentanyl;
- 12 (35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-pip-
- 13 eridinyl]-N-phenylpropanamide);
- 14 (36) Morpheridine;
- 15 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 16 (38) Noracymethadol;
- 17 (39) Norlevorphanol;
- 18 (40) Normethadone;
- 19 (41) Norpipanone;
- 20 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
- 21 piperidinyl] propanamide);
- 22 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 23 (44) Phenadoxone;
- 24 (45) Phenampromide;
- 25 (46) Phenomorphan;
- 26 (47) Phenoperidine;
- 27 (48) Piritramide;
- 28 (49) Proheptazine;
- 29 (50) Properidine;
- 30 (51) Propiram;
- 31 (52) Racemoramide;
- 32 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
- 33 propanamide);
- 34 (54) Tilidine;
- 35 (55) Trimeperidine.

36 (c) Any of the following opium derivatives, their salts, isomers and
37 salts of isomers, unless specifically excepted, whenever the existence of
38 these salts, isomers and salts of isomers is possible within the specific
39 chemical designation:

- 40 (1) Acetorphine;
- 41 (2) Acetyldihydrocodeine;
- 42 (3) Benzylmorphine;
- 43 (4) Codeine methylbromide;
- 44 (5) Codeine-N-Oxide;
- 45 (6) Cyprenorphine;
- 46 (7) Desomorphine;
- 47 (8) Dihydromorphine;
- 48 (9) Drotebanol;
- 49 (10) Etorphine (except hydrochloride salt);
- 50 (11) Heroin;

- 1 (12) Hydromorphenol;
- 2 (13) Methyldesorphine;
- 3 (14) Methyldihydromorphine;
- 4 (15) Morphine methylbromide;
- 5 (16) Morphine methylsulfonate;
- 6 (17) Morphine-N-Oxide;
- 7 (18) Myrophine;
- 8 (19) Nicocodeine;
- 9 (20) Nicomorphine;
- 10 (21) Normorphine;
- 11 (22) Pholcodine;
- 12 (23) Thebacon.

13 (d) Hallucinogenic substances. Any material, compound, mixture or
14 preparation which contains any quantity of the following hallucinogenic
15 substances, their salts, isomers and salts of isomers, unless specifically
16 excepted, whenever the existence of these salts, isomers, and salts of iso-
17 mers is possible within the specific chemical designation (for purposes of
18 this paragraph only, the term "isomer" includes the optical, position and
19 geometric isomers):

- 20 (1) 4-bromo-2,5-dimethoxy amphetamine;
- 21 (2) 2,5-dimethoxyamphetamine;
- 22 (3) 4-bromo-2,5-dimethoxyphenethylamine (some other names: alp-
23 ha-desmethyl DOB, 2C-B);
- 24 (4) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);
- 25 (5) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 26 (6) 4-methoxyamphetamine (PMA);
- 27 (7) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 28 (8) 5-methoxy-N,N-diisopropyltryptamine;
- 29 (9) 4-methyl-2,5-dimethoxy-amphetamine (DOM, STP);
- 30 (10) 3,4-methylenedioxy amphetamine;
- 31 (11) 3,4-methylenedioxymethamphetamine (MDMA);
- 32 (12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-
33 hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-
34 hyl MDA, MDE, MDEA);
- 35 (13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hyd-
36 roxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hyd-
37 roxy MDA);
- 38 (14) 3,4,5-trimethoxy amphetamine;
- 39 (15) Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-am-
40 inobutyl) indole);
- 41 (16) Alpha-methyltryptamine;
- 42 (17) Bufotenine;
- 43 (18) Diethyltryptamine (DET);
- 44 (19) Dimethyltryptamine (DMT);
- 45 (20) Ibogaine;
- 46 (21) Lysergic acid diethylamide;
- 47 (22) Marihuana;
- 48 (23) Mescaline;
- 49 (24) Parahexyl;
- 50 (25) Peyote;

- 1 (26) N-ethyl-3-piperidyl benzilate;
2 (27) N-methyl-3-piperidyl benzilate;
3 (28) Psilocybin;
4 (29) Psilocyn;
5 (30) Tetrahydrocannabinols. Synthetic equivalents of the substances
6 contained in the plant, or in the resinous extractives of Cannabis, sp.
7 and/or synthetic substances, derivatives, and their isomers with simi-
8 lar chemical structure and pharmacological activity such as the follow-
9 ing:
10 Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers,
11 excluding dronabinol in sesame oil and encapsulated in a soft gelatin
12 capsule in a drug product approved by the U.S. Food and Drug Administra-
13 tion.
14 Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
15 $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers.
16 (Since nomenclature of these substances is not internationally stan-
17 dardized, compounds of these structures, regardless of numerical des-
18 ignation of atomic positions are covered.)
19 (31) Ethylamine analog of phencyclidine (N-ethyl-1-phenylcy-
20 clohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcy-
21 clohexyl) ethylamine, cyclohexamine, PCE;
22 (32) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -
23 pyrrolidine, PCPy, PHP;
24 (33) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cyclohexyl]-
25 piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;
26 (34) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;
27 (35) Spores or mycelium capable of producing mushrooms that contain
28 psilocybin or psilocin.
29 (e) Unless specifically excepted or unless listed in another schedule,
30 any material, compound, mixture or preparation which contains any quantity
31 of the following substances having a depressant effect on the central ner-
32 vous system, including its salts, isomers, and salts of isomers whenever the
33 existence of such salts, isomers, and salts of isomers is possible within the
34 specific chemical designation:
35 (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
36 ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sod-
37 ium oxybate; sodium oxybutyrate);
38 (2) Flunitrazepam (also known as "R2," "Rohypnol");
39 (3) Mecloqualone;
40 (4) Methaqualone.
41 (f) Stimulants. Unless specifically excepted or unless listed in an-
42 other schedule, any material, compound, mixture, or preparation which con-
43 tains any quantity of the following substances having a stimulant effect on
44 the central nervous system, including its salts, isomers, and salts of iso-
45 mers:
46 (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
47 azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);
48 (2) Cathinone (some other names: alpha-aminopropiophenone, 2-amino-
49 propiophenone and norephedrone);
50 (3) Fenethylamine;

1 (4) Methcathinone (some other names: 2-(methyl-amino)-propioph-
 2 enone, alpha-(methylamino)-propiophenone, N-methylcathinone, AL-
 3 464, AL-422, AL-463 and UR1423);

4 (5) (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-
 5 phenyl-2-oxazolamine];

6 (6) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);

7 (7) N-ethylamphetamine;

8 (8) N,N-dimethylamphetamine (also known as: N,N-alpha-trimethyl-ben-
 9 zeneethanamine).

10 ~~(g) Temporary listing of substances subject to emergency scheduling.~~
 11 ~~Any material, compound, mixture or preparation which contains any quantity~~
 12 ~~of the following substances:~~

13 ~~(1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),~~
 14 ~~its optical isomers, salts and salts of isomers.~~

15 ~~(2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (then-~~
 16 ~~ylfentanyl), its optical isomers, salts and salts of isomers.~~

17 SECTION 2. That Section 37-2707, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and
 20 other substances, by whatever official name, common or usual name, chemical
 21 name, or brand name designated, listed in this section.

22 (b) Substances, vegetable origin or chemical synthesis. Unless
 23 specifically excepted or unless listed in another schedule, any of the fol-
 24 lowing substances whether produced directly or indirectly by extraction
 25 from substances of vegetable origin, or independently by means of chemical
 26 synthesis, or by a combination of extraction and chemical synthesis:

27 (1) Opium and opiate, and any salt, compound, derivative, or prepa-
 28 ration of opium or opiate, excluding apomorphine, dextrorphan, nal-
 29 buphine, nalmeffene, naloxone, naltrexone and their respective salts,
 30 but including the following:

- 31 1. Raw opium;
- 32 2. Opium extracts;
- 33 3. Opium fluid extracts;
- 34 4. Powdered opium;
- 35 5. Granulated opium;
- 36 6. Tincture of opium;
- 37 7. Codeine;
- 38 8. Dihydroetorphine;
- 39 9. Diprenorphine;
- 40 10. Ethylmorphine;
- 41 11. Etorphine hydrochloride;
- 42 12. Hydrocodone;
- 43 13. Hydromorphone;
- 44 14. Metopon;
- 45 15. Morphine;
- 46 16. Oripavine;
- 47 17. Oxycodone;
- 48 18. Oxymorphone;
- 49 19. Tapentadol;

1 20. Thebaine.

2 (2) Any salt, compound, derivative, or preparation thereof which is
3 chemically equivalent or identical with any of the substances referred
4 to in paragraph (b) (1) of this section, except that these substances
5 shall not include the isoquinoline alkaloids of opium.

6 (3) Opium poppy and poppy straw.

7 (4) Coca leaves and any salt, compound, derivative, or preparation
8 of coca leaves, and any salt, compound, derivative, or preparation
9 thereof which is chemically equivalent or identical with any of these
10 substances, but not including decocainized coca leaves or extractions
11 which do not contain cocaine or ecgonine.

12 (5) Benzoyllecgonine.

13 (6) Methylbenzoyllecgonine (Cocaine - its salts, optical isomers, and
14 salts of optical isomers).

15 (7) Concentrate of poppy straw (the crude extract of poppy straw in ei-
16 ther liquid, solid or powder form which contains the phenanthrine alka-
17 loids of the opium poppy).

18 (c) Any of the following opiates, including their isomers, esters,
19 ethers, salts, and salts of isomers, whenever the existence of these iso-
20 mers, esters, ethers and salts is possible within the specific chemical
21 designation, unless specifically excepted or unless listed in another
22 schedule:

23 (1) Alfentanil;

24 (2) Alphaprodine;

25 (3) Anileridine;

26 (4) Bezitramide;

27 (5) Bulk Dextropropoxyphene (nondosage forms);

28 (6) Carfentanil;

29 (7) Dihydrocodeine;

30 (8) Diphenoxylate;

31 (9) Fentanyl;

32 (10) Isomethadone;

33 (11) Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmet-
34 hadol, levomethadyl acetate, LAAM);

35 (12) Levomethorphan;

36 (13) Levorphanol;

37 (14) Metazocine;

38 (15) Methadone;

39 (16) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
40 butane;

41 (17) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl
42 propane-carboxylic acid;

43 (18) Pethidine (meperidine);

44 (19) Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenyl-
45 piperidine;

46 (20) Pethidine -- Intermediate -- B, ethyl-4-phenylpiperidine-4-car-
47 boxylate;

48 (21) Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperid-
49 ine-4-carboxylic acid;

50 (22) Phenazocine;

- 1 (23) Piminodine;
 2 (24) Racemethorphan;
 3 (25) Racemorphan;
 4 (26) Remifentanil;
 5 (27) Sufentanil.

6 (d) Stimulants. Unless specifically excepted or unless listed in an-
 7 other schedule, any material, compound, mixture, or preparation which con-
 8 tains any quantity of the following substances having a stimulant effect on
 9 the central nervous system:

- 10 (1) Amphetamine, its salts, optical isomers, and salts of its optical
 11 isomers;
 12 (2) Lisdexamfetamine;
 13 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
 14 (4) Phenmetrazine and its salts;
 15 (5) Methylphenidate.

16 (e) Depressants. Unless specifically excepted or unless listed in an-
 17 other schedule, any material, compound, mixture, or preparation which con-
 18 tains any quantity of the following substances having a depressant effect on
 19 the central nervous system, including its salts, isomers, and salts of iso-
 20 mers, whenever the existence of such salts, isomers, and salts of isomers is
 21 possible within the specific chemical designation:

- 22 (1) Amobarbital;
 23 (2) Glutethimide;
 24 (3) Pentobarbital;
 25 (4) Phencyclidine;
 26 (5) Secobarbital.
 27 (f) Hallucinogenic substances.

28 (1) Nabilone (another name for nabilone:
 29 (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hy-
 30 droxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one) (21 C.F.R. 1308.12
 31 (f)).

32 (g) Immediate precursors. Unless specifically excepted or unless
 33 listed in another schedule, any material, compound, mixture, or preparation
 34 which contains any quantity of the following substances:

- 35 (1) Immediate precursor to amphetamine and methamphetamine:
 36 (a) Anthranilic acid;
 37 (b) Ephedrine;
 38 (c) Lead acetate;
 39 (d) Methylamine;
 40 (e) Methyl formamide;
 41 (f) N-methylephedrine;
 42 (g) Phenylacetic acid;
 43 (h) Phenylacetone;
 44 (i) Phenylpropanolamine;
 45 (j) Pseudoephedrine.

46 Except that any combination or compound containing ephedrine, or any of
 47 its salts and isomers, or phenylpropanolamine or its salts and isomers, or
 48 pseudoephedrine, or any of its salts and isomers which is prepared for dis-
 49 pensing or over-the-counter distribution is not a controlled substance for
 50 the purpose of this section, unless such substance is possessed, delivered,

1 or possessed with intent to deliver to another with the intent to manufac-
2 ture methamphetamine, amphetamine or any other controlled substance in vio-
3 lation of section 37-2732, Idaho Code. For purposes of this provision, the
4 requirements of the uniform controlled substances act shall not apply to a
5 manufacturer, wholesaler or retailer of over-the-counter products contain-
6 ing the listed substances unless such person possesses, delivers, or pos-
7 sesses with intent to deliver to another the over-the-counter product with
8 intent to manufacture a controlled substance.

9 (2) Immediate precursors to phencyclidine (PCP):

10 (a) 1-phenylcyclohexylamine;

11 (b) 1-piperidinocyclohexanecarbonitrile (PCC).

12 (3) Immediate precursor to fentanyl: 4-anilino-N-phenethyl-4-piperi-
13 dine (ANPP).