Sixtieth Legislative Assembly of North Dakota
In Regular Session Commencing Wednesday, January 3, 2007

HOUSE BILL NO. 1055
(Human Services Committee)
(At the request of the State Board of Pharmacy)

AN ACT to create and enact section 19-03.1-20.1 of the North Dakota Century Code, relating to theft or loss of controlled substances reports; to amend and reenact subsections 5 and 7 of section 19-03.1-05, subsections 4, 6, and 7 of section 19-03.1-07, section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, and sections 19-03.1-13 and 19-03.1-22 of the North Dakota Century Code, relating to controlled substances; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 5 and 7 of section 19-03.1-05 of the North Dakota Century Code are amended and reenacted as follows:

5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

   a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).

   b. Alpha-methyltryptamine.

   c. 4-bromo-2, 5-dimethoxy-amphetamine (also known as 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; 4-bromo-2, 5-DMA).

   ~~c.~~ d. 4-bromo-2, 5-dimethoxyphenethylamine (also known as 4-bromo-2, 5-DMPEA).

   ~~d.~~ e. 2,5-dimethoxy-amphetamine (also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA).

   ~~e.~~ f. 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).

   g. 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).

   ~~f.~~ h. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).

   ~~g.~~ i. 5-methoxy-3,4-methylenedioxy-amphetamine.

   ~~h.~~ j. 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM" and "STP").

   ~~i.~~ k. 3,4-methylenedioxy amphetamine.

   ~~j.~~ l. 3,4-methylenedioxymethamphetamine (also known as MDMA).

   ~~k.~~ m. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl, MDA, MDE, MDEA.

~~l.~~ n. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.

~~m.~~ o. 3,4,5-trimethoxy amphetamine.

~~n.~~ p. Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).

q. 5-methoxy-N,N-diisopropyltryptamine.

~~o.~~ r. Diethyltryptamine (also known as N, N-Diethyltryptamine; DET).

~~p.~~ s. Dimethyltryptamine (also known as DMT).

~~q.~~ t. Hashish.

~~r.~~ u. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).

~~s.~~ v. Lysergic acid diethylamide.

~~t.~~ w. Marijuana.

~~u.~~ x. Mescaline.

~~v.~~ y. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).

~~w.~~ z. Peyote (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 its extracts).

~~x.~~ aa. N-ethyl-3-piperidyl benzilate.

~~y.~~ bb. N-methyl-3-piperidyl benzilate.

~~z.~~ cc. Psilocybin.

~~aa.~~ dd. Psilocyn.

~~bb.~~ ee. Tetrahydrocannabinols (synthetic) equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(1) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers.

(2) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.

(3) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

~~cc.~~ ff. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).

~~dd.~~ gg. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).

~~ee.~~ hh. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).

~~ff.~~ ii. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).

7. Stimulants. 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, and salts of isomers:

   a. Aminorex (also known as 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine).

   b. Cathinone (also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone).

   c. Fenethylline.

   d. (±)cis-4-methylaminorex (also known as (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).

   e. Methcathinone (also known as (2-methylamino-1-phenylpropan-1-one).

   f. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).

   g. N-ethylamphetamine.

~~g.~~ h. N, N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).

SECTION 2. AMENDMENT. Subsections 4, 6, and 7 of section 19-03.1-07 of the North Dakota Century Code are amended and reenacted as follows:

4. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

   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-alphaacetylmethadol (LAAM).

~~k.~~ l. Levomethorphan.

~~l.~~ m. Levorphanol.

~~m.~~ n. Metazocine.

~~n.~~ o. Methadone.

~~o.~~ p. Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.

~~p.~~ q. Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

~~q.~~ r. Pethidine (also known as meperidine).

~~r.~~ s. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.

~~s.~~ t. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.

~~t.~~ u. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.

~~u.~~ v. Phenazocine.

~~v.~~ w. Priminodine.

~~w.~~ x. Racemethorphan.

~~x.~~ y. Racemorphan.

~~y.~~ z. Remifentanil.

~~z.~~ aa. Sufentanil.

6. Depressants. 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 whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

   a. Amobarbital.

   b. Glutethimide.

   ~~b.~~ c. Pentobarbital.

   ~~c.~~ d. Phencyclidine.

   ~~d.~~ e. Secobarbital.

7. Hallucinogenic substances.

   ~~a. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States 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 01, or (-) delta 9 (trans) tetrahydrocannabinol) (THC).~~

   ~~b.~~ Nabilone [another name for nabilone (±)-trans-3-(1, 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9Hdibenzo [b, d] pyran-9-one].

SECTION 3. AMENDMENT. Section 19-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-09. Schedule III.

1. The controlled substances listed in this section are included in schedule III.

2. Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Stimulants. 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 such isomers whenever the existence of such 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 and any other drug of the quantitative composition shown in that schedule for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

   b. Benzphetamine.

   c. Chlorphentermine.

   d. Clortermine.

   e. Phendimetrazine.

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:

   a. Any compound, mixture, or preparation containing:

      (1) Amobarbital;

      (2) Secobarbital;

      (3) Pentobarbital;

      or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.

   b. Any suppository dosage form containing:

      (1) Amobarbital;

      (2) Secobarbital;

      (3) Pentobarbital;

      or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.

   c. Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules thereof.

d. ~~Buprenorphine.~~

~~e.~~ Chlorhexadol.

~~f. Dronabinol (synthetic) [( ) delta-9-(trans)-tetrahydrocannabinol] in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration-approved drug product.~~

e. Embutramide.

~~g.~~ f. Gamma-hydroxybutyric acid in a United States food and drug administration-approved drug product.

~~h. Glutethimide.~~

~~i.~~ g. Ketamine.

~~j.~~ h. Lysergic acid.

~~k.~~ i. Lysergic acid amide.

~~l.~~ j. Methyprylon.

~~m.~~ k. Sulfondiethylmethane.

~~n.~~ l. Sulfonethylmethane.

~~o.~~ m. Sulfonmethane.

~~p.~~ n. Tiletamine and zolazepam or any salt thereof. 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(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon.

5. Nalorphine.

6. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

a. (1) Not more than 1.80 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.~~ (2) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

~~c.~~ (3) Not more than 300 milligrams of hydrocodone 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.~~ (4) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

~~e.~~ (5) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

~~f.~~ (6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

~~g.~~ (7) 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, nonnarcotic ingredients in recognized therapeutic amounts.

~~h.~~ (8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

b. Buprenorphine.

7. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following anabolic steroids:

a. 3beta,17-dihydroxy-5a-androstane;

b. 3alpha,17beta-dihydroxy-5a-androstane;

c. 5alpha-androstan-3,17-dione;

d. 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

e. 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

f. 4-androstenediol (3beta,17beta-dihydroxy-4-ene);

g. 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);

h. 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);

i. 4-androstenedione (androst-4-en-3,17-dione);

j. 5-androstenedione (androst-5-en-3,17-dione);

k. Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

l. Boldenone (17beta-hydroxyandrost-1,4,-diene-3-one);

~~b. Chlorotestosterone;~~

m. Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

~~c.~~ n. Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);

~~d.~~ o. ~~Dehydrochlormethyltestosterone~~ Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);

~~e.~~ p. ~~Dihydrotestosterone~~ Delta-1-dihydrotestosterone (also known as '1-testosterone') (17beta-hydroxy-5alpha-androst-1-en-3-one);

q. 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);

~~f.~~ r. Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);

~~g.~~ s. Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);

~~h.~~ t. Fluoxymesterone (9-fluoro-17alpha-methyl-11beta, 17beta-dihydroxyandrost-4-en-3-one);

~~i.~~ u. ~~Formebulone~~ Formebolone (2-formyl-17alpha-methyl-11alpha, 17beta-dihydroxyandrost-1,4-dien-3-one);

v. Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);

w. 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;

x. 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);

y. 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);

z. Mestanolone (71alpha-methyl-17beta-hydroxy-5-androstan-3-one);

~~j.~~ aa. Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

~~k.~~ bb. Methandienone (17alpha-methyl-17beta-dihydroxyandrost-1,4-dien-3-one);

~~l. Methandranone;~~

~~m.~~ cc. Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);

~~n. Methandrostenolone;~~

~~o.~~ dd. Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);

ee. 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;

ff. 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;

gg. 17alpha-methyl-3beta,17beta-dihyroxyandrost-4-ene;

hh. 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);

ii. Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);

jj. Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9(11)-trien-3-one);

~~p.~~ kk. Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);

~~q.~~ ll. Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

mm. 17alpha-methyl-delta1-dihydrotestosterone (17bbeta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as '17-alpha-methyl-1-testosterone');

~~r.~~ nn. Nandrolone (17beta-hydroxyestr-4-en-3-one);

oo. 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);

pp. 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);

qq. 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);

rr. 19-nor-5-androstenediol (3alpha,17-beta-dihydroxyester-5-ene);

ss. 19-nor-4-androstenedione (estr-4-en-3,17-dione);

tt. 19-nor-5-androstenedione (estr-5-en-3,17-dione);

uu. Norboletheone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);

vv. Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);

~~s.~~ ww. Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);

xx. Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);

~~t.~~ yy. Oxandrolone (17alpha-methyl- 17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);

~~u.~~ zz. Oxymesterone (17alpha-methyl-4-17beta-dihydroxyandrost-4-en-3-one);

~~v.~~ aaa. Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy [5alpha]-androstan-3-one);

~~w. Stanolone;~~

~~x.~~ bbb. Stanozolol (17alpha-methyl-17beta- hydroxy[5alpha]-androst-2-eno[3,2-c]-pyrazole);

ccc. Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

~~y.~~ ddd. Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

~~z.~~ eee. Testosterone (17beta-hydroxyandrost-4-en-3-one);

fff. Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);

~~aa.~~ ggg. Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);

or any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth.

The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for administration unless any person prescribes, dispenses, possesses, delivers, or distributes for human use.

8. Hallucinogenic substances. Dronabinol (synthetic) [(-)-delta-9-(trans)-tetrahydrocannabinol] in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration-approved drug product.

9. The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 3 and 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 4. AMENDMENT. Subsections 4 and 6 of section 19-03.1-11 of the North Dakota Century Code are amended and reenacted as follows:

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Alprazolam.
b. Barbital.
c. Bromazepam.
d. Butorphanol.
e. Camazepam.
f. Chloral betaine.
g. Chloral hydrate.
h. Chlordiazepoxide.
i. Clobazam.
j. Clonazepam.
k. Clorazepate.
l. Clotiazepam.
m. Cloxazolam.
n. Delorazepam.
o. Diazepam.
p. Dichloralphenazone.
q. Estazolam.
r. Ethchlorvynol.
s. Ethinamate.
t. Ethyl loflazepate.
u. Fludiazepam.
v. Flurazepam.
w. Halazepam.
x. Haloxazolam.
y. Ketazolam.
z. Loprazolam.
aa. Lorazepam.
bb. Lormetazepam.
cc. Mebutamate.
dd. Medazepam.
ee. Meprobamate.

ff. Methohexital.

gg. Methylphenobarbital (also known as mephobarbital).

hh. Midazolam.

ii. Nimetazepam.

jj. Nitrazepam.

kk. Nordiazepam.

ll. Oxazepam.

mm. Oxazolam.

nn. Paraldehyde.

oo. Petrichloral.

pp. Phenobarbital.

qq. Pinazepam.

rr. Prazepam.

ss. Quazepam.

~~tt. Sibutramine.~~

~~uu.~~ tt. Temazepam.

~~vv.~~ uu. Tetrazepam.

~~ww.~~ vv. Triazolam.

~~xx.~~ ww. Zaleplon.

~~yy.~~ xx. Zolpidem.

yy. Zopiclone.

6. Stimulants. 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, and salts of isomers:

a. Cathine.

b. Diethylpropion.

c. Fencamfamin.

d. Fenproporex.

e. Mazindol.

f. Mefenorex.

g. Modafinil.

h. Pemoline (including organometallic complexes and chelates thereof).

i. Phentermine.

j. Pipradrol.

k. Sibutramine.

l. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

SECTION 5. AMENDMENT. Section 19-03.1-13 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-13. Schedule V.

1. The controlled substances listed in this section are included in schedule V.

2. Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing buprenorphine or its salts.

4. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone.

   a. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

   b. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

   c. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

   d. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

   e. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

   f. Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts: Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

6. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers: Pyrovalerone.

SECTION 6. Section 19-03.1-20.1 of the North Dakota Century Code is created and enacted as follows:

19-03.1-20.1. Report of any theft or loss. The registrant shall immediately, within one business day, notify the state board of pharmacy of any theft or significant loss of controlled substances. This report may be telephoned, faxed, or e-mailed to the state board of pharmacy. In addition, significant loss has been further defined to include a list of factors that are relevant in deciding whether a loss was significant. This list is as follows:

1. The actual quantity of controlled substances lost in relation to the type of business;

2. The specific controlled substances lost;

3. Whether the loss of the controlled substances can be associated with access to those controlled substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the controlled substances;

4. A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; and, if known

5. Whether specific controlled substances are likely candidates for diversion; and

6. Local trends and other indicators of the diversion potential of the missing controlled substance.

SECTION 7. AMENDMENT. Section 19-03.1-22 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-22. Prescriptions.

1. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature. The prescription may not be filled more than six months after the date it was written.

2. In emergency situations, as defined by rule of the board, schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing, and filed by the pharmacy. Prescriptions must be retained in conformity with the requirements of section 19-03.1-20. No prescription for a schedule II substance may be refilled.

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug as determined under this chapter or chapter 19-02.1, may not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner. Any oral prescription for such drugs must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank ~~and must be signed within seven days by the practitioner who issued the same~~. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.

4. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule V must be dispensed without the written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner. Any oral prescription for such compound, mixture, or preparation must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank ~~and must be signed within seven days by the practitioner who issued the prescription~~. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.

Speaker of the House	President of the Senate
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixtieth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1055.

House Vote:	Yeas	92	Nays	0	Absent	2
Senate Vote:	Yeas	47	Nays	0	Absent	0

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2007.

Approved at _____ M. on _____, 2007.

Governor

Filed in this office this _____ day of _____, 2007,

at _____ o'clock _____ M.

Secretary of State