

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2119
(Judiciary Committee)
(At the request of the State Board of Pharmacy)

AN ACT to amend and reenact sections 19-03.1-05, 19-03.1-07, 19-03.1-09, 19-03.1-11, and 19-03.1-13 of the North Dakota Century Code, relating to the scheduling of controlled substances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-05. Schedule I.

1. The controlled substances listed in this section are included in schedule I.
2. Schedule I 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. Opiates. 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, whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - a. Acetyl-alpha-methylfentanyl (also known as N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).
 - b. Acetylmethadol.
 - c. Allylprodine.
 - d. Alphacetylmethadol.
 - e. Alphameprodine.
 - f. Alphamethadol.
 - g. Alpha-methylfentanyl (also known as N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
 - h. Alpha-methylthiofentanyl (also known as N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).
 - i. Benzethidine.
 - j. Betacetylmethadol.
 - k. Beta-hydroxyfentanyl (also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).
 - l. Beta-hydroxy-3-methylfentanyl (also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).
 - m. Betameprodine.

- n. Betamethadol.
- o. Betaprodine.
- p. Clonitazene.
- q. Dextromoramide.
- r. Diampromide.
- s. Diethylthiambutene.
- t. Difenoxylin.
- u. Dimenoxadol.
- v. Dimepheptanol.
- w. Dimethylthiambutene.
- x. Dioxaphetyl butyrate.
- y. Dipipanone.
- z. Ethylmethylthiambutene.
- aa. Etonitazene.
- bb. Etoxeridine.
- cc. Furethidine.
- dd. Hydroxypethidine.
- ee. Ketobemidone.
- ff. Levomoramide.
- gg. Levophenacilmorphan.
- hh. 3-Methylfentanyl (also known as N-[3-methyl-1-(2-phenylethyl)4-piperidyl]-N-phenylpropanamide).
- ii. 3-Methylthiofentanyl (also known as N-[3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide).
- jj. Morpheridine.
- kk. MPPP (also known as 1-methyl-4-phenyl-4-propionoxypiperidine).
- ll. Noracymethadol.
- mm. Norlevorphanol.
- nn. Normethadone.
- oo. Norpipanone.
- pp. Para-fluorofentanyl (also known as N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidyl]propanamide).

- qq. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-acetoxypiperidine).
 - rr. Phenadoxone.
 - ss. Phenampromide.
 - tt. Phenomorphan.
 - uu. Phenoperidine.
 - vv. Piritramide.
 - ww. Proheptazine.
 - xx. Properidine.
 - yy. Propiram.
 - zz. Racemoramide.
 - aaa. Thiofentanyl (also known as N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidiny]-propanamide).
 - bbb. Tilidine.
 - ccc. Trimeperidine.
4. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, 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. 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. Methyldihydromorphine.
 - o. Morphine methylbromide.

- p. Morphine methylsulfonate.
 - q. Morphine-N-Oxide.
 - r. Myrophine.
 - s. Nicocodeine.
 - t. Nicomorphine.
 - u. Normorphine.
 - v. Pholcodine.
 - w. Thebacon.
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; α -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- α -methylphenethylamine; 4-bromo-2, 5-DMA).
 - d. 4-bromo-2, 5-dimethoxyphenethylamine (also known as 4-bromo-2, 5-DMPEA).
 - e. 2,5-dimethoxy-amphetamine (also known as 2, 5-dimethoxy- α -methylphenethylamine; 2, 5-DMA).
 - f. 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
 - g. 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).
 - h. 4-methoxyamphetamine (also known as 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine; PMA).
 - i. 5-methoxy-3,4-methylenedioxy-amphetamine.
 - j. 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy- α -methylphenethylamine; DOM and STP).
 - k. 5-Methoxy-N,N-Dimethyltryptamine.
 - l. 3,4-methylenedioxy amphetamine.
 - l.m. 3,4-methylenedioxymethamphetamine (also known as MDMA).
 - m.n. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl- α -methyl-3,4(methylenedioxy)phenethylamine, N-ethyl, MDA, MDE, MDEA).
 - n.o. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy- α -methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA).
 - o.p. 3,4,5-trimethoxy amphetamine.

- ~~ø-q.~~ ~~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-r.~~ ~~5-methoxy-N,N-diisopropyltryptamine.~~
- ~~r-s.~~ ~~Diethyltryptamine (also known as N, N-Diethyltryptamine; DET).~~
- ~~s-t.~~ ~~Dimethyltryptamine (also known as DMT).~~
- ~~t-u.~~ ~~Hashish.~~
- ~~u-v.~~ ~~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).~~
- ~~v-w.~~ ~~Lysergic acid diethylamide.~~
- ~~w-x.~~ ~~Marijuana.~~
- ~~x-y.~~ ~~Mescaline.~~
- ~~y-z.~~ ~~Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).~~
- ~~z-aa.~~ ~~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).~~
- ~~aa-bb.~~ ~~N-ethyl-3-piperidyl benzilate.~~
- ~~bb-cc.~~ ~~N-methyl-3-piperidyl benzilate.~~
- ~~cc-dd.~~ ~~Psilocybin.~~
- ~~dd-ee.~~ ~~Psilocyn.~~
- ~~ee-ff.~~ ~~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, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, 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.)~~
- ~~gg.~~ ~~Cannabinoids, synthetic. This subdivision contains the synthetic chemicals which have similar effects on the cannabinoid receptors. It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.~~

- (1) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:
- (a) 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.
 - (b) 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
 - (c) 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.
 - (d) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.
 - (e) 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.
 - (f) 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
 - (g) 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.
 - (h) 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
 - (i) 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.
 - (j) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.
- (2) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:
- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.
 - (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.
- (3) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.
- (4) Naphthylmethylindenenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.
- (5) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to

any extent, whether or not substituted in the phenyl ring to any extent. Examples include:

- (a) 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other names: RCS-8.
- (b) 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.
- (c) 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.
- (d) 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.
- (6) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:
- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.
- (7) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples include:
- (a) 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
- (b) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole - Other names: AM-694.
- (c) (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone - Other names: WIN 48,098 and Pravadoline.
- (8) Others specifically named:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.
- (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.
- (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone - Other names: WIN 55,212-2.

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

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

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

- ii-~~kk~~. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
 - jj-~~ll~~. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.
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, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Flunitrazepam.
 - b. Gamma-hydroxybutyric acid.
 - c. Mecloqualone.
 - d. Methaqualone.
 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. Fenethylamine.
 - d. Mephedrone (2-methylamino-1-p-tolylpropan-1-one) also known as 4-methylmethcathinone (4-MMC), 4-methylephedrone.
 - e. (±)cis-4-methylaminorex (also known as (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).
 - f. 3,4-Methylenedioxypropylamphetamine (MDPV).
 - e-g. Methcathinone (also known as (2-methylamino-1-phenylpropan-1-one).
 - f-h. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).
 - g-i. N-ethylamphetamine.
 - h-j. N, N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).

SECTION 2. AMENDMENT. Section 19-03.1-07 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-07. Schedule II.

1. The controlled substances listed in this section are included in schedule II.
2. Schedule II 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. Substances, vegetable origin or chemical synthesis. 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, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone and their respective salts, but including the following:
 - (1) Codeine.
 - (2) Dihydroetorphine.
 - (3) Ethylmorphine.
 - (4) Etorphine hydrochloride.
 - (5) Granulated opium.
 - (6) Hydrocodone.
 - (7) Hydromorphone.
 - (8) Metopon.
 - (9) Morphine.
 - (10) Opium extracts.
 - (11) Opium fluid.
 - (12) Oripavine.
 - (13) Oxycodone.
 - (14) Oxymorphone.
 - (15) Powder opium.
 - (16) Raw opium.
 - (17) Thebaine.
 - (18) Tincture of opium.
 - b. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
 - c. Opium poppy and poppy straw.
 - d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of these substances, except that the nondosage substances must include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
 - e. Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy).
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).
- 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 (also known as 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. Priminodine.
- x. Racemethorphan.
- y. Racemorphan.
- z. Remifentanil.
- aa. Sufentanil.
- bb. Tapentadol.

5. 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:
 - a. Amphetamine, its salts, optical isomers, and salts of its optical isomers.
 - b. Lisdexamfetamine, its salts, isomers, and salts of isomers.
 - c. Methamphetamine, its salts, isomers, and salts of isomers.
 - d. Phenmetrazine and its salts.
 - e. Methylphenidate.
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.
 - c. Pentobarbital.
 - d. Phencyclidine.
 - e. Secobarbital.
7. Hallucinogenic substances. Nabilone [another name for nabilone (\pm)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9Hdibenzo [b, d]pyran-9-one].
8. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:
 - a. Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some trade or other names: phenyl-2-propanone; P2P, benzyl methyl ketone; methyl benzyl ketone.
 - b. Immediate precursors to phencyclidine (PCP):
 - (1) 1-phenylcyclohexylamine.
 - (2) 1-piperidinocyclohexanecarbonitrile (PCC).
 - c. Immediate precursors to fentanyl: 4-anilino-N-phenethyl-4-piperidine (ANPP).

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. Chlorhexadol.
 - e. Embutramide.
 - f. Gamma-hydroxybutyric acid in a United States food and drug administration-approved drug product.
 - g. Ketamine.
 - h. Lysergic acid.

- i. Lysergic acid amide.
 - j. Methyprylon.
 - k. Sulfondiethylmethane.
 - l. Sulfonethylmethane.
 - m. Sulfonmethane.
 - 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.
 - (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.
 - (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.
 - (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.
 - (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.
 - (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.
 - (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.
 - (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);
- m. Boldione (androsta-1,4-diene-3,17-dione);
- n. Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- o. Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);
- p. Dehydrochloromethyltestosterone
(4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
- q. Delta-1-dihydrotestosterone (also known as '1-testosterone')
(17beta-hydroxy-5alpha-androst-1-en-3-one);
- r. Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17ol) (also known as madol);
- s. 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);
- t. Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
- u. Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
- v. Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,
17beta-dihydroxyandrost-4-en-3-one);
- w. Formebolone (2-formyl-17alpha-methyl-11alpha,
17beta-dihydroxyandrost-1,4-dien-3-one);
- x. Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
- y. 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
- z. 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
- aa. 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
- bb. Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
- cc. Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

- dd. Methandienone (17alpha-methyl-17beta-dihydroxyandrost-1,4-dien-3-one);
- ee. Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
- ff. Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
- gg. 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
- hh. 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
- ii. 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene;
- jj. 17alpha-methyl-4-hydroxynandrolone
(17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
- kk. Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
- ll. Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9(11)-trien-3-one);
- mm. Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
- nn. Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
- oo. 17alpha-methyl-delta1-dihydrotestosterone
(17bbeta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as
'17-alpha-methyl-1-testosterone');
- pp. Nandrolone (17beta-hydroxyestr-4-en-3-one);
- qq. 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
- rr. 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
- ss. 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
- tt. 19-nor-5-androstenediol (3alpha,17-beta-dihydroxyester-5-ene);
- uu. 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- vv. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- ww. 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- xx. Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
- yy. Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
- zz. Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
- aaa. Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
- bbb. Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
- ccc. Oxymesterone (17alpha-methyl-4-17beta-dihydroxyandrost-4-en-3-one);
- ddd. Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy
[5alpha]-androstan-3-one);
- eee. Stanozolol (17alpha-methyl-17beta-hydroxy[5alpha]-androst-2-eno[3,2-c]-pyrazole);
- fff. Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

- ggg. Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- hhh. Testosterone (17beta-hydroxyandrost-4-en-3-one);
- iii. Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
- jjj. 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.
 - a. 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.
 - b. Any product in hard or soft gelatin capsule form containing natural dronabinol (derived from the cannabis plant) or synthetic dronabinol (produced from synthetic materials) in sesame oil, for which an abbreviated new drug application has been approved by the food and drug administration under section 505(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355(j)] which references as its listed drug the drug product referred to in subdivision a.
- 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. Section 19-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-11. Schedule IV.

- 1. The controlled substances listed in this section are included in schedule IV.
- 2. Schedule IV 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 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. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
 - b. Dextropropoxyphene (also known as alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).
- 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.
- e. Carisoprodol.
- 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. Fospropofol.
- x. Halazepam.
- ~~x-y.~~ Haloxazolam.
- ~~y-z.~~ Indiplon.
- ~~z-aa.~~ Ketazolam.
- ~~aa-bb.~~ Loprazolam.
- ~~bb-cc.~~ Lorazepam.

- ee-dd. Lormetazepam.
 - dd-ee. Mebutamate.
 - ee-ff. Medazepam.
 - ff-gg. Meprobamate.
 - gg-hh. Methohexital.
 - hh-ii. Methylphenobarbital (also known as mephobarbital).
 - ii-jj. Midazolam.
 - jj-kk. Nimetazepam.
 - kk-ll. Nitrazepam.
 - ll-mm. Nordiazepam.
 - mm-nn. Oxazepam.
 - nn-oo. Oxazolam.
 - oo-pp. Paraldehyde.
 - pp-qq. Petrichloral.
 - qq-rr. Phenobarbital.
 - rr-ss. Pinazepam.
 - tt. Propofol.
 - ss-uu. Prazepam.
 - tt-vv. Quazepam.
 - uu-ww. Temazepam.
 - vv-xx. Tetrazepam.
 - ww-yy. Triazolam.
 - xx-zz. Zaleplon.
 - yy-aaa. Zolpidem.
 - zz-bbb. Zopiclone.
5. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, 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: Fenfluramine.
 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).
7. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of ~~pentazocine~~:
- a. Pentazocine, including its salts.
 - b. Butorphanol, including its optical isomers.
8. The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection 2 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 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 depressant effect on the central nervous system.

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~~any of the following narcotic drugs and their 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:
- a. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].
 - b. 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.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2119.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 93 Nays 0 Absent 1

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State