By Senator Fasano

11-00394A-11 2011336 A bill to be entitled

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An act relating to controlled substances; amending s. 893.03, F.S.; revising the list of controlled substances included in Schedules I, II, III, IV, and V; providing an effective date.

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

Section 1. Section 893.03, Florida Statutes, is amended to read:

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, or trade name designated. The provisions of this section do shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

- (1) SCHEDULE I.-A substance in Schedule I has a high potential for abuse and does not have any has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule
 - (a) Unless specifically excepted or unless listed in

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20. Diethylthiambutene.

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59
          21. Difenoxin.
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          22. Dimenoxadol.
          23. Dimepheptanol.
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          24. Dimethylthiambutene.
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          25. Dioxaphetyl butyrate.
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          26. Dipipanone.
          27. Ethylmethylthiambutene.
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          28. Etonitazene.
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          29. Etoxeridine.
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          30. Flunitrazepam.
          31. Furethidine.
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          32. Hydroxypethidine.
71
          33. Ketobemidone.
          34. Levomoramide.
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73
          35. Levophenacylmorphan.
74
          36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
75
          37. 3-Methylfentanyl (N-
76
     [3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).
          38. 3-Methylthiofentanyl.
77
          39. 3, 4-Methylenedioxymethamphetamine
78
79
     (MDMA).
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          40. Morpheridine.
81
          41. Noracymethadol.
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          42. Norlevorphanol.
          43. Normethadone.
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          44. Norpipanone.
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          45. Para-Fluorofentanyl.
          46. Phenadoxone.
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          47. Phenampromide.
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 88
           48. Phenomorphan.
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           49. Phenoperidine.
           50. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine
 90
 91
      (PEPAP).
           51. Piritramide.
 92
           52. Proheptazine.
 93
           53. Properidine.
 94
 95
           54. Propiram.
          55. Racemoramide.
96
 97
           56. Thenylfentanyl.
           57. Thiofentanyl.
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 99
           58. Tilidine.
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           59. Trimeperidine.
           (b) Unless specifically excepted or unless listed in
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     another schedule, any of the following substances, their salts,
103
     isomers, and salts of isomers, whenever the existence of such
104
     salts, isomers, and salts of isomers is possible within the
105
     specific chemical designation:
106
           1. Acetorphine.
107
           2. Acetyldihydrocodeine.
108
           3. Benzylmorphine.
109
           4. Codeine methylbromide.
           5. Codeine-N-Oxide.
110
           6. Cyprenorphine.
111
112
           7. Desomorphine.
113
           8. Dihydromorphine.
114
           9. Drotebanol.
115
           10. Etorphine (except hydrochloride salt).
116
           11. Heroin.
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8. Cathinone.

11-00394A-11 2011336 117 12. Hydromorphinol. 118 13. Methyldesorphine. 119 14. Methyldihydromorphine. 120 15. Monoacetylmorphine. 121 16. Morphine methylbromide. 122 17. Morphine methylsulfonate. 123 18. Morphine-N-Oxide. 124 19. Myrophine. 20. Nicocodine. 125 126 21. Nicomorphine. 127 22. Normorphine. 128 23. Pholcodine. 129 24. Thebacon. (c) Unless specifically excepted or unless listed in 130 131 another schedule, any material, compound, mixture, or 132 preparation that which contains any quantity of the following 133 hallucinogenic substances or that which contains any of their 134 salts, isomers, and salts of isomers, whenever the existence of 135 such salts, isomers, and salts of isomers is possible within the 136 specific chemical designation: 137 1. Alpha-ethyltryptamine. 138 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-139 methylaminorex). 140 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex). 141 4. 4-Bromo-2,5-dimethoxyamphetamine. 5. 4-Bromo-2, 5-dimethoxyphenethylamine. 142 143 6. Bufotenine. 7. Cannabis. 144

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146
           9. Diethyltryptamine.
147
          10. 2,5-Dimethoxyamphetamine.
          11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
148
149
          12. Dimethyltryptamine.
          13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
150
151
     analog of phencyclidine).
152
          14. N-Ethyl-3-piperidyl benzilate.
153
          15. N-ethylamphetamine.
154
          16. Fenethylline.
155
          17. N-Hydroxy-3, 4-methylenedioxyamphetamine.
156
          18. Ibogaine.
157
          19. Lysergic acid diethylamide (LSD).
158
          20. Mescaline.
          21. Methcathinone.
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160
          22. 5-Methoxy-3, 4-methylenedioxyamphetamine.
161
          23. 4-methoxyamphetamine.
162
          24. 4-methoxymethamphetamine.
163
          25. 4-Methyl-2,5-dimethoxyamphetamine.
          26. 3,4-Methylenedioxy-N-ethylamphetamine.
164
165
          27. 3,4-Methylenedioxyamphetamine.
166
          28. N-Methyl-3-piperidyl benzilate.
167
          29. N, N-dimethylamphetamine.
168
          30. Parahexyl.
169
          31. Peyote.
           32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
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171
     analog of phencyclidine).
172
          33. Psilocybin.
173
          34. Psilocyn.
174
           35. Salvia divinorum, except for any drug product approved
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by the United States Food and Drug Administration which contains
Salvia divinorum or its isomers, esters, ethers, salts, and
salts of isomers, esters, and ethers, whenever the existence of
such isomers, esters, ethers, and salts is possible within the
specific chemical designation.

- 36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
 - 37. Tetrahydrocannabinols.
- 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)

 (Thiophene analog of phencyclidine).
 - 39. 3,4,5-Trimethoxyamphetamine.
 - 40. Alpha-Methyltryptamine.
 - 41. 1-(1-Phenylcyclohexyl) pyrrolidine.
 - 42. 2,5-Dimethoxy-4-(n)-Propylthiophenethylamine.
 - 43. 5-Methoxy-N, N-Diisopropyltryptamine.
- 194 44. N-Benzylpiperazine.
 - 45. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP 47,497 and its dimethyl octyl (C8) homologue).
- 198 <u>46. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-</u> 199 <u>methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol</u> 200 (also known as HU-210).
 - 47. 1-Pentyl-3-(1-naphthoyl)indole (also known as JWH-018).
- 48. 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073).
- 49. Mephedrone.

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

- 1. 1,4-Butanediol.
- 2. Gamma-butyrolactone (GBL).
- 3. Gamma-hydroxybutyric acid (GHB).
- 4. Methaqualone.
- 5. Mecloqualone.
- (2) SCHEDULE II.—A substance in Schedule II has a high potential for abuse and has a currently accepted but severely restricted medical use in treatment in the United States, and abuse of the substance may lead to severe psychological or physical dependence. The following substances are controlled in Schedule II:
- (a) 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:
- 1. Opium and any salt, compound, derivative, or preparation of opium, except nalmefene or isoquinoline alkaloids of opium, including, but not limited to the following:
 - a. Raw opium.
 - b. Opium extracts.
 - c. Opium fluid extracts.

- d. Powdered opium.
- e. Granulated opium.
- f. Tincture of opium.
- 236 q. Codeine.
- 237 h. Ethylmorphine.
- i. Etorphine hydrochloride.
- j. Hydrocodone.
- 240 k. Hydromorphone.
- 1. Levo-alphacetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
 - m. Metopon (methyldihydromorphinone).
- n. Morphine.

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- o. Oxycodone.
- p. Oxymorphone.
- q. Thebaine.
- r. Dihydroetorphine.
 - 2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.
 - 3. Any part of the plant of the species *Papaver somniferum*, *L*.
 - 4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine.
 - (b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers,

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     esters, and ethers, whenever the existence of such isomers,
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     esters, ethers, and salts is possible within the specific
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     chemical designation:
265
           1. Alfentanil.
266
           2. Alphaprodine.
267
           3. Anileridine.
268
           4. Bezitramide.
269
           5. Bulk propoxyphene (nondosage forms).
270
           6. Carfentanil.
2.71
          7. Dihydrocodeine.
           8. Diphenoxylate.
2.72
273
           9. Fentanyl.
           10. Isomethadone.
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275
           11. Levomethorphan.
276
           12. Levorphanol.
2.77
           13. Metazocine.
278
           14. Methadone.
279
           15. Methadone-Intermediate, 4-cyano-2-
280
     dimethylamino-4, 4-diphenylbutane.
281
           16. Moramide-Intermediate, 2-methyl-
282
     3-morpholoino-1,1-diphenylpropane-carboxylic acid.
283
           17. Nabilone.
284
           18. Pethidine (meperidine).
285
           19. Pethidine-Intermediate-A, 4-cyano-1-
286
     methyl-4-phenylpiperidine.
287
           20. Pethidine-Intermediate-B, ethyl-4-
288
     phenylpiperidine-4-carboxylate.
289
           21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
290
     4-carboxylic acid.
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11-00394A-11 2011336 291 22. Phenazocine. 292 23. Phencyclidine. 293 24. 1-Phenylcyclohexylamine. 294 25. Piminodine. 26. 1-Piperidinocyclohexanecarbonitrile. 295 296 27. Racemethorphan. 297 28. Racemorphan. 29. Sufentanil. 298 299 30. Lisdexamfetamine. 300 31. Remifentanil. 301 (c) Unless specifically excepted or unless listed in 302 another schedule, any material, compound, mixture, or 303 preparation that which contains any quantity of the following substances, including their salts, isomers, optical isomers, 304 305 salts of their isomers, and salts of their optical isomers: 306 1. Amobarbital. 307 2. Amphetamine. 308 3. Glutethimide. 309 4. Methamphetamine. 310 5. Methylphenidate. 311 6. Pentobarbital. 312 7. Phenmetrazine. 313 8. Phenylacetone. 9. Secobarbital. 314 315 (3) SCHEDULE III.—A substance in Schedule III has a 316 potential for abuse less than the substances contained in 317 Schedules I and II and has a currently accepted medical use in 318 treatment in the United States, and abuse of the substance may

lead to moderate or low physical dependence or high

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psychological dependence or, in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

- (a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that which contains any quantity of the following substances having a depressant or stimulant effect on the 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:
- 1. Any substance that which contains any quantity of a derivative of barbituric acid, including thiobarbituric acid, or any salt of a derivative of barbituric acid or thiobarbituric acid, including, but not limited to, butabarbital and butalbital.
 - 2. Benzphetamine.
 - 3. Chlorhexadol.
 - 4. Chlorphentermine.
- 339 5. Clortermine.
 - 6. Lysergic acid.
 - 7. Lysergic acid amide.
 - 8. Methyprylon.
 - 9. Phendimetrazine.
- 344 10. Sulfondiethylmethane.
- 345 11. Sulfonethylmethane.
 - 12. Sulfonmethane.
- 347 13. Tiletamine and zolazepam or any salt thereof.
 - 14. Embutramide.

(b) Nalorphine.

- (c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:
- 1. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
- 2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that which are not controlled substances.
- 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 recognized therapeutic amounts of one or more active ingredients that are not controlled substances.
- 5. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that which are not controlled substances.
- 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 50 milligrams of morphine per 100

milliliters or per 100 grams, with recognized therapeutic
amounts of one or more active ingredients that which are not
controlled substances.

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For purposes of charging a person with a violation of s. 893.135 involving any controlled substance described in subparagraph 3. or subparagraph 4., the controlled substance is a Schedule III controlled substance pursuant to this paragraph but the weight of the controlled substance per milliliters or per dosage unit is not relevant to the charging of a violation of s. 893.135. The weight of the controlled substance shall be determined pursuant to s. 893.135(6).

- (d) Anabolic steroids.
- 1. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:
 - a. Androsterone.
 - b. Androsterone acetate.
 - c. Boldenone.
- d. Boldenone acetate.
 - e. Boldenone benzoate.
 - f. Boldenone undecylenate.
- q. Chlorotestosterone (4-chlorotestosterone).
- 402 h. Clostebol.
- i. Dehydrochlormethyltestosterone.
- j. Dihydrotestosterone (4-dihydrotestosterone).
- 405 k. Drostanolone.
- 1. Ethylestrenol.

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407
          m. Fluoxymesterone.
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          n. Formebulone (formebolone).
409
           o. Mesterolone.
410
          p. Methandienone.
411
          q. Methandranone.
412
          r. Methandriol.
413
           s. Methandrostenolone.
414
           t. Methenolone.
415
          u. Methyltestosterone.
416
          v. Mibolerone.
417
          w. Nandrolone.
418
           x. Norethandrolone.
419
           y. Nortestosterone.
420
           z. Nortestosterone decanoate.
421
           aa. Nortestosterone phenylpropionate.
422
          bb. Nortestosterone propionate.
423
           cc. Oxandrolone.
424
           dd. Oxymesterone.
425
           ee. Oxymetholone.
          ff. Stanolone.
426
427
          gg. Stanozolol.
428
          hh. Testolactone.
           ii. Testosterone.
429
430
           jj. Testosterone acetate.
           kk. Testosterone benzoate.
431
432
           11. Testosterone cypionate.
433
          mm. Testosterone decanoate.
434
          nn. Testosterone enanthate.
435
           oo. Testosterone isocaproate.
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pp. Testosterone oleate.

- qq. Testosterone phenylpropionate.
- rr. Testosterone propionate.
- ss. Testosterone undecanoate.
- tt. Trenbolone.

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- uu. Trenbolone acetate.
- vv. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.
- 2. The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, any person who prescribes, dispenses, or distributes such a steroid for human use is considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.
- (e) Ketamine, including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
- (f) Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration.
- (g) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under s. 505 of the Federal Food, Drug, and Cosmetic Act.
 - (4) SCHEDULE IV.—A substance in Schedule IV has a low

potential for abuse relative to the substances in Schedule III and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in Schedule III. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that which contains any quantity of the following substances, 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, are controlled in Schedule IV:

- (a) Alprazolam.
- (b) Barbital.
 - (c) Bromazepam.
- (d) Camazepam.
- 480 (e) Cathine.

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- (f) Chloral betaine.
 - (g) Chloral hydrate.
 - (h) Chlordiazepoxide.
- (i) Clobazam.
- (j) Clonazepam.
 - (k) Clorazepate.
- (1) Clotiazepam.
 - (m) Cloxazolam.
- (n) Delorazepam.
- (o) Propoxyphene (dosage forms).
- 491 (p) Diazepam.
- 492 (q) Diethylpropion.
- 493 (r) Estazolam.

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494
           (s) Ethchlorvynol.
495
           (t) Ethinamate.
496
           (u) Ethyl loflazepate.
497
           (v) Fencamfamin.
           (w) Fenfluramine.
498
499
           (x) Fenproporex.
500
           (y) Fludiazepam.
501
           (z) Flurazepam.
502
           (aa) Halazepam.
503
           (bb) Haloxazolam.
504
           (cc) Ketazolam.
505
           (dd) Loprazolam.
506
           (ee) Lorazepam.
507
           (ff) Lormetazepam.
508
           (gg) Mazindol.
509
           (hh) Mebutamate.
510
           (ii) Medazepam.
511
           (jj) Mefenorex.
512
           (kk) Meprobamate.
513
           (11) Methohexital.
514
           (mm) Methylphenobarbital.
515
           (nn) Midazolam.
516
           (00) Nimetazepam.
517
           (pp) Nitrazepam.
518
           (qq) Nordiazepam.
519
           (rr) Oxazepam.
520
           (ss) Oxazolam.
521
           (tt) Paraldehyde.
522
           (uu) Pemoline.
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523
           (vv) Pentazocine.
524
           (ww) Phenobarbital.
525
           (xx) Phentermine.
526
           (yy) Pinazepam.
527
           (zz) Pipradrol.
528
           (aaa) Prazepam.
529
           (bbb) Propylhexedrine, excluding any patent or proprietary
530
     preparation containing propylhexedrine, unless otherwise
531
     provided by federal law.
532
           (ccc) Quazepam.
533
           (ddd) Tetrazepam.
           (eee) SPA[(-)-1 dimethylamino-1, 2]
534
535
     diphenylethane].
536
           (fff) Temazepam.
537
           (qqq) Triazolam.
538
           (hhh) Not more than 1 milligram of difenoxin and not less
539
     than 25 micrograms of atropine sulfate per dosage unit.
540
           (iii) Butorphanol tartrate.
541
           (jjj) Carisoprodol.
542
          (kkk) Zopiclone.
543
          (111) Zaleplon.
544
           (mmm) Zolpidem.
545
           (nnn) Modafinil.
546
          (000) Petrichloral.
547
          (ppp) Sibutramine.
548
          (qqq) Dichloralphenazone.
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           (5) SCHEDULE V.-A substance, compound, mixture, or
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     preparation of a substance in Schedule V has a low potential for
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     abuse relative to the substances in Schedule IV and has a
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currently accepted medical use in treatment in the United States, and abuse of such compound, mixture, or preparation may lead to limited physical or psychological dependence relative to the substances in Schedule IV.

- (b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts:
 - 1. Buprenorphine.
 - 2. Pregabalin.
- 3. Not more than 0.5 milligrams of Difenoxin and not less than 25 micrograms of Atropine sulfate per dosage unit.
- (c) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that 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: Pyrovalerone.
 - Section 2. This act shall take effect July 1, 2011.