
SENATE BILL 6224

State of Washington

61st Legislature

2010 Regular Session

By Senators Keiser, Becker, and Gordon; by request of Department of Health

Read first time 01/11/10. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to conforming the uniform controlled substances act
2 to existing state and federal law; and amending RCW 69.50.101,
3 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212, and 69.50.402.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.50.101 and 2003 c 142 s 4 are each amended to read
6 as follows:

7 Unless the context clearly requires otherwise, definitions of terms
8 shall be as indicated where used in this chapter:

9 (a) "Administer" means to apply a controlled substance, whether by
10 injection, inhalation, ingestion, or any other means, directly to the
11 body of a patient or research subject by:

12 (1) a practitioner authorized to prescribe (or, by the
13 practitioner's authorized agent); or

14 (2) the patient or research subject at the direction and in the
15 presence of the practitioner.

16 (b) "Agent" means an authorized person who acts on behalf of or at
17 the direction of a manufacturer, distributor, or dispenser. It does
18 not include a common or contract carrier, public warehouseperson, or
19 employee of the carrier or warehouseperson.

1 (c) "Board" means the state board of pharmacy.

2 (d) "Controlled substance" means a drug, substance, or immediate
3 precursor included in Schedules I through V as set forth in federal or
4 state laws, or federal or board rules.

5 (e)(1) "Controlled substance analog" means a substance the chemical
6 structure of which is substantially similar to the chemical structure
7 of a controlled substance in Schedule I or II and:

8 (i) that has a stimulant, depressant, or hallucinogenic effect on
9 the central nervous system substantially similar to the stimulant,
10 depressant, or hallucinogenic effect on the central nervous system of
11 a controlled substance included in Schedule I or II; or

12 (ii) with respect to a particular individual, that the individual
13 represents or intends to have a stimulant, depressant, or
14 hallucinogenic effect on the central nervous system substantially
15 similar to the stimulant, depressant, or hallucinogenic effect on the
16 central nervous system of a controlled substance included in Schedule
17 I or II.

18 (2) The term does not include:

19 (i) a controlled substance;

20 (ii) a substance for which there is an approved new drug
21 application;

22 (iii) a substance with respect to which an exemption is in effect
23 for investigational use by a particular person under Section 505 of the
24 federal Food, Drug and Cosmetic Act, 21 U.S.C. Sec. 355, to the extent
25 conduct with respect to the substance is pursuant to the exemption; or

26 (iv) any substance to the extent not intended for human consumption
27 before an exemption takes effect with respect to the substance.

28 (f) "Deliver" or "delivery," means the actual or constructive
29 transfer from one person to another of a substance, whether or not
30 there is an agency relationship.

31 (g) "Department" means the department of health.

32 (h) "Dispense" means the interpretation of a prescription or order
33 for a controlled substance and, pursuant to that prescription or order,
34 the proper selection, measuring, compounding, labeling, or packaging
35 necessary to prepare that prescription or order for delivery.

36 (i) "Dispenser" means a practitioner who dispenses.

37 (j) "Distribute" means to deliver other than by administering or
38 dispensing a controlled substance.

1 (k) "Distributor" means a person who distributes.

2 (l) "Drug" means (1) a controlled substance recognized as a drug in
3 the official United States pharmacopoeia/national formulary or the
4 official homeopathic pharmacopoeia of the United States, or any
5 supplement to them; (2) controlled substances intended for use in the
6 diagnosis, cure, mitigation, treatment, or prevention of disease in
7 individuals or animals; (3) controlled substances (other than food)
8 intended to affect the structure or any function of the body of
9 individuals or animals; and (4) controlled substances intended for use
10 as a component of any article specified in (1), (2), or (3) of this
11 subsection. The term does not include devices or their components,
12 parts, or accessories.

13 (m) "Drug enforcement administration" means the drug enforcement
14 administration in the United States Department of Justice, or its
15 successor agency.

16 (n) "Immediate precursor" means a substance:
17 (1) that the state board of pharmacy has found to be and by rule
18 designates as being the principal compound commonly used, or produced
19 primarily for use, in the manufacture of a controlled substance;
20 (2) that is an immediate chemical intermediary used or likely to be
21 used in the manufacture of a controlled substance; and
22 (3) the control of which is necessary to prevent, curtail, or limit
23 the manufacture of the controlled substance.

24 (o) "Isomer" means an optical isomer, but in RCW 69.50.101(r)(5),
25 69.50.204(a) (12) and (34), and 69.50.206(~~(a)~~) (b)(4), the term
26 includes any geometrical isomer; in RCW 69.50.204(a) (8) and (42), and
27 69.50.210(c) the term includes any positional isomer; and in RCW
28 69.50.204(a)(35), 69.50.204(c), and 69.50.208(a) the term includes any
29 positional or geometric isomer.

30 (p) "Manufacture" means the production, preparation, propagation,
31 compounding, conversion, or processing of a controlled substance,
32 either directly or indirectly or by extraction from substances of
33 natural origin, or independently by means of chemical synthesis, or by
34 a combination of extraction and chemical synthesis, and includes any
35 packaging or repackaging of the substance or labeling or relabeling of
36 its container. The term does not include the preparation, compounding,
37 packaging, repackaging, labeling, or relabeling of a controlled
38 substance:

1 (1) by a practitioner as an incident to the practitioner's
2 administering or dispensing of a controlled substance in the course of
3 the practitioner's professional practice; or

4 (2) by a practitioner, or by the practitioner's authorized agent
5 under the practitioner's supervision, for the purpose of, or as an
6 incident to, research, teaching, or chemical analysis and not for sale.

7 (q) "Marijuana" or "marihuana" means all parts of the plant
8 Cannabis, whether growing or not; the seeds thereof; the resin
9 extracted from any part of the plant; and every compound, manufacture,
10 salt, derivative, mixture, or preparation of the plant, its seeds or
11 resin. The term does not include the mature stalks of the plant, fiber
12 produced from the stalks, oil or cake made from the seeds of the plant,
13 any other compound, manufacture, salt, derivative, mixture, or
14 preparation of the mature stalks (except the resin extracted
15 therefrom), fiber, oil, or cake, or the sterilized seed of the plant
16 which is incapable of germination.

17 (r) "Narcotic drug" means any of the following, whether produced
18 directly or indirectly by extraction from substances of vegetable
19 origin, or independently by means of chemical synthesis, or by a
20 combination of extraction and chemical synthesis:

21 (1) Opium, opium derivative, and any derivative of opium or opium
22 derivative, including their salts, isomers, and salts of isomers,
23 whenever the existence of the salts, isomers, and salts of isomers is
24 possible within the specific chemical designation. The term does not
25 include the isoquinoline alkaloids of opium.

26 (2) Synthetic opiate and any derivative of synthetic opiate,
27 including their isomers, esters, ethers, salts, and salts of isomers,
28 esters, and ethers, whenever the existence of the isomers, esters,
29 ethers, and salts is possible within the specific chemical designation.

30 (3) Poppy straw and concentrate of poppy straw.

31 (4) Coca leaves, except coca leaves and extracts of coca leaves
32 from which cocaine, ecgonine, and derivatives or ecgonine or their
33 salts have been removed.

34 (5) Cocaine, or any salt, isomer, or salt of isomer thereof.

35 (6) Cocaine base.

36 (7) Ecgonine, or any derivative, salt, isomer, or salt of isomer
37 thereof.

1 (8) Any compound, mixture, or preparation containing any quantity
2 of any substance referred to in subparagraphs (1) through (7).

3 (s) "Opiate" means any substance having an addiction-forming or
4 addiction-sustaining liability similar to morphine or being capable of
5 conversion into a drug having addiction-forming or addiction-sustaining
6 liability. The term includes opium, substances derived from opium
7 (opium derivatives), and synthetic opiates. The term does not include,
8 unless specifically designated as controlled under RCW 69.50.201, the
9 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
10 (dextromethorphan). The term includes the racemic and levorotatory
11 forms of dextromethorphan.

12 (t) "Opium poppy" means the plant of the species *Papaver somniferum*
13 L., except its seeds.

14 (u) "Person" means individual, corporation, business trust, estate,
15 trust, partnership, association, joint venture, government,
16 governmental subdivision or agency, or any other legal or commercial
17 entity.

18 (v) "Poppy straw" means all parts, except the seeds, of the opium
19 poppy, after mowing.

20 (w) "Practitioner" means:

21 (1) A physician under chapter 18.71 RCW((~~τ~~)); a physician assistant
22 under chapter 18.71A RCW((~~τ~~)); an osteopathic physician and surgeon
23 under chapter 18.57 RCW((~~τ~~)); an osteopathic physician assistant under
24 chapter 18.57A RCW who is licensed under RCW 18.57A.020 subject to any
25 limitations in RCW 18.57A.040; an optometrist licensed under chapter
26 18.53 RCW who is certified by the optometry board under RCW 18.53.010
27 subject to any limitations in RCW 18.53.010((~~τ~~)); a dentist under
28 chapter 18.32 RCW((~~τ~~)); a podiatric physician and surgeon under chapter
29 18.22 RCW((~~τ~~)); a veterinarian under chapter 18.92 RCW((~~τ~~)); a
30 registered nurse, advanced registered nurse practitioner, or licensed
31 practical nurse under chapter 18.79 RCW((~~τ~~)); a naturopathic physician
32 under chapter 18.36A RCW who is licensed under RCW 18.36A.030 subject
33 to any limitations in RCW 18.36A.040; a pharmacist under chapter 18.64
34 RCW or a scientific investigator under this chapter, licensed,
35 registered or otherwise permitted insofar as is consistent with those
36 licensing laws to distribute, dispense, conduct research with respect
37 to or administer a controlled substance in the course of their
38 professional practice or research in this state.

1 (2) A pharmacy, hospital or other institution licensed, registered,
2 or otherwise permitted to distribute, dispense, conduct research with
3 respect to or to administer a controlled substance in the course of
4 professional practice or research in this state.

5 (3) A physician licensed to practice medicine and surgery, a
6 physician licensed to practice osteopathic medicine and surgery, a
7 dentist licensed to practice dentistry, a podiatric physician and
8 surgeon licensed to practice podiatric medicine and surgery, or a
9 veterinarian licensed to practice veterinary medicine in any state of
10 the United States.

11 (x) "Prescription" means an order for controlled substances issued
12 by a practitioner duly authorized by law or rule in the state of
13 Washington to prescribe controlled substances within the scope of his
14 or her professional practice for a legitimate medical purpose.

15 (y) "Production" includes the manufacturing, planting, cultivating,
16 growing, or harvesting of a controlled substance.

17 (z) "Secretary" means the secretary of health or the secretary's
18 designee.

19 (aa) "State," unless the context otherwise requires, means a state
20 of the United States, the District of Columbia, the Commonwealth of
21 Puerto Rico, or a territory or insular possession subject to the
22 jurisdiction of the United States.

23 (bb) "Ultimate user" means an individual who lawfully possesses a
24 controlled substance for the individual's own use or for the use of a
25 member of the individual's household or for administering to an animal
26 owned by the individual or by a member of the individual's household.

27 (cc) "Electronic communication of prescription information" means
28 the communication of prescription information by computer, or the
29 transmission of an exact visual image of a prescription by facsimile,
30 or other electronic means for original prescription information or
31 prescription refill information for a Schedule III-V controlled
32 substance between an authorized practitioner and a pharmacy or the
33 transfer of prescription information for a controlled substance from
34 one pharmacy to another pharmacy.

35 **Sec. 2.** RCW 69.50.204 and 1993 c 187 s 4 are each amended to read
36 as follows:

1 Unless specifically excepted by state or federal law or regulation
2 or more specifically included in another schedule, the following
3 controlled substances are listed in Schedule I:

4 (a) Any of the following opiates, including their isomers, esters,
5 ethers, salts, and salts of isomers, esters, and ethers whenever the
6 existence of these isomers, esters, ethers, and salts is possible
7 within the specific chemical designation:

8 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
9 piperidinyl]-N-phenylacetamide);

10 (2) Acetylmethadol;

11 (3) Allylprodine;

12 (4) Alphacetylmethadol, except levo-alphacetylmethadol, also known
13 as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

14 (5) Alphameprodine;

15 (6) Alphamethadol;

16 (7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl) ethyl-
17 4-piperidyl] propionanilide); (1-(1-methyl-2-phenylethyl)-4-(N-
18 propanilido) piperidine);

19 (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-
20 piperidinyl]-N-phenylpropanamide);

21 (9) Benzethidine;

22 (10) Betacetylmethadol;

23 (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-
24 piperidinyl]-N-phenylpropanamide);

25 (12) Beta-hydroxy-3-methylfentanyl, some trade or other names: N-
26 [1-(2-hydrox-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

27 (13) Betameprodine;

28 (14) Betamethadol;

29 (15) Betaprodine;

30 (16) Clonitazene;

31 (17) Dextromoramide;

32 (18) Diampromide;

33 (19) Diethylthiambutene;

34 (20) Difenoxin;

35 (21) Dimenoxadol;

36 (22) Dimepheptanol;

37 (23) Dimethylthiambutene;

38 (24) Dioxaphetyl butyrate;

1 (25) Dipipanone;
2 (26) Ethylmethylthiambutene;
3 (27) Etonitazene;
4 (28) Etoxeridine;
5 (29) Furethidine;
6 (30) Hydroxypethidine;
7 (31) Ketobemidone;
8 (32) Levomoramide;
9 (33) Levophenacylmorphan;
10 (34) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-
11 N-phenylprop anamide);
12 (35) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
13 piperidinyl]-N-phenylpropanamide);
14 (36) Morpheridine;
15 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
16 (38) Noracymethadol;
17 (39) Norlevorphanol;
18 (40) Normethadone;
19 (41) Norpipanone;
20 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-
21 piperidinyl] propanamide);
22 (43) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
23 (44) Phenadoxone;
24 (45) Phenampromide;
25 (46) Phenomorphan;
26 (47) Phenoperidine;
27 (48) Piritramide;
28 (49) Proheptazine;
29 (50) Properidine;
30 (51) Propiram;
31 (52) Racemoramide;
32 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-
33 propanamide);
34 (54) Tilidine;
35 (55) Trimeperidine.
36 (b) Opium derivatives. Unless specifically excepted or unless
37 listed in another schedule, any of the following opium derivatives,

1 including their salts, isomers, and salts of isomers whenever the
2 existence of those salts, isomers, and salts of isomers is possible
3 within the specific chemical designation:

4 (1) Acetorphine;

5 (2) Acetyldihydrocodeine;

6 (3) Benzylmorphine;

7 (4) Codeine methylbromide;

8 (5) Codeine-N-Oxide;

9 (6) Cyprenorphine;

10 (7) Desomorphine;

11 (8) (~~(3,4-methylenedioxy-N-ethylamphetamine~~ some trade or other
12 names: ~~N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl~~
13 ~~MDA, MDE, MDEA;~~

14 ~~(9) N-hydroxy-3,4-methylenedioxyamphetamine~~ some trade or other
15 names: ~~N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and~~
16 ~~N-hydroxy MDA;~~

17 ~~(10))~~ Dihydromorphine;

18 ~~((11))~~ (9) Drotebanol;

19 ~~((12))~~ (10) Etorphine, except hydrochloride salt;

20 ~~((13))~~ (11) Heroin;

21 ~~((14))~~ (12) Hydromorphenol;

22 ~~((15))~~ (13) Methyldesorphine;

23 ~~((16))~~ (14) Methyldihydromorphine;

24 ~~((17))~~ (15) Morphine methylbromide;

25 ~~((18))~~ (16) Morphine methylsulfonate;

26 ~~((19))~~ (17) Morphine-N-Oxide;

27 ~~((20))~~ (18) Myrophine;

28 ~~((21))~~ (19) Nicocodeine;

29 ~~((22))~~ (20) Nicomorphine;

30 ~~((23))~~ (21) Normorphine;

31 ~~((24))~~ (22) Pholcodine;

32 ~~((25))~~ (23) Thebacon.

33 (c) Hallucinogenic substances. Unless specifically excepted or
34 unless listed in another schedule, any material, compound, mixture, or
35 preparation which contains any quantity of the following hallucinogenic
36 substances, including their salts, isomers, and salts of isomers
37 whenever the existence of those salts, isomers, and salts of isomers is

1 possible within the specific chemical designation. For the purposes of
2 this subsection only, the term "isomer" includes the optical, position,
3 and geometric isomers:

4 (1) Alpha-ethyltryptamine: Some trade or other names:
5 Etryptamine; monase; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
6 indole; a-ET; and AET;

7 (2) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names:
8 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

9 ((+2)) (3) 4-Bromo-2,5-dimethoxyphenethylamine: Some trade or
10 other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane; alpha-
11 desmethyl DOB; 2C-B, nexus;

12 (4) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
13 dimethoxy-a-methylphenethylamine; 2,5-DMA;

14 ((+3)) (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

15 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine: Other name:
16 2C-T-7;

17 (7) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-
18 methylphenethylamine; paramethoxyamphetamine, PMA;

19 ((+4)) (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

20 ((+5)) (9) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and
21 other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and
22 "STP";

23 ((+6)) (10) 3,4-methylenedioxy amphetamine;

24 ((+7)) (11) 3,4-methylenedioxymethamphetamine (MDMA);

25 ((+8)) (12) 3,4-methylenedioxy-N-ethylamphetamine, also known as
26 N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA,
27 MDE, MDEA;

28 (13) N-hydroxy-3,4-methylenedioxyamphetamine also known as
29 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-hydroxy MDA;

30 (14) 3,4,5-trimethoxy amphetamine;

31 ((+9)) (15) Alpha-methyltryptamine: Other name: AMT;

32 (16) Bufotenine: Some trade or other names: 3-(beta-
33 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol;
34 N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;

35 ((+10)) (17) Diethyltryptamine: Some trade or other names: N,N-
36 Diethyltryptamine; DET;

37 ((+11)) (18) Dimethyltryptamine: Some trade or other names: DMT;

1 ((+12)) (19) 5-methoxy-N,N-diisopropyltryptamine: Other name:
2 5-MeO-DIPT;
3 (20) Ibogaine: Some trade or other names: 7-Ethyl-6,6
4 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9-methano-5H-pyrido (1',2'
5 1,2) azepino (5,4-b) indole; Tabernanthe iboga;
6 ((+13)) (21) Lysergic acid diethylamide;
7 ((+14)) (22) Marihuana or marijuana;
8 ((+15)) (23) Mescaline;
9 ((+16)) (24) Parahexyl-7374: Some trade or other names: 3-Hexyl-
10 1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-
11 dibenzo[b,d]pyran; synhexyl;
12 ((+17)) (25) Peyote, meaning all parts of the plant presently
13 classified botanically as Lophophora Williamsii Lemaire, whether
14 growing or not, the seeds thereof, any extract from any part of such
15 plant, and every compound, manufacture, salts, derivative, mixture, or
16 preparation of such plant, its seeds, or extracts; (interprets 21
17 U.S.C. Sec. 812 (c), Schedule I (c)(12));
18 ((+18)) (26) N-ethyl-3-piperidyl benzilate;
19 ((+19)) (27) N-methyl-3-piperidyl benzilate;
20 ((+20)) (28) Psilocybin;
21 ((+21)) (29) Psilocyn;
22 ((+22)) (30) Tetrahydrocannabinols, meaning tetrahydrocannabinols
23 naturally contained in a plant of the genus Cannabis (cannabis plant),
24 as well as synthetic equivalents of the substances contained in the
25 plant, or in the resinous extractives of Cannabis, species, and/or
26 synthetic substances, derivatives, and their isomers with similar
27 chemical structure and pharmacological activity such as the following:
28 (i) ((Delta)) 1 - cis - or trans tetrahydrocannabinol, and their
29 optical isomers, excluding tetrahydrocannabinol in sesame oil and
30 encapsulated in a soft gelatin capsule in a drug product approved by
31 the United States Food and Drug Administration;
32 (ii) ((Delta)) 6 - cis - or trans tetrahydrocannabinol, and their
33 optical isomers;
34 (iii) ((Delta)) 3,4 - cis - or trans tetrahydrocannabinol, and its
35 optical isomers;
36 (Since nomenclature of these substances is not internationally
37 standardized, compounds of these structures, regardless of numerical
38 designation of atomic positions covered.)

1 ~~((+23))~~ (31) Ethylamine analog of phencyclidine: Some trade or
2 other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
3 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

4 ~~((+24))~~ (32) Pyrrolidine analog of phencyclidine: Some trade or
5 other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

6 ~~((+25))~~ (33) Thiophene analog of phencyclidine: Some trade or
7 other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
8 phencyclidine; TPCP; TCP;

9 ~~((+26))~~ (34) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or
10 other name is TCPy.

11 (d) Depressants. Unless specifically excepted or unless listed in
12 another schedule, any material, compound, mixture, or preparation which
13 contains any quantity of the following substances having a depressant
14 effect on the central nervous system, including its salts, isomers, and
15 salts of isomers whenever the existence of such salts, isomers, and
16 salts of isomers is possible within the specific chemical designation.

17 (1) Gamma-hydroxybutyric acid: Some other names include GHB;
18 gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid;
19 sodium oxybate; sodium oxybutyrate;

20 (2) Mecloqualone;

21 ~~((+2))~~ (3) Methaqualone.

22 (e) Stimulants. Unless specifically excepted or unless listed in
23 another schedule, any material, compound, mixture, or preparation which
24 contains any quantity of the following substances having a stimulant
25 effect on the central nervous system, including its salts, isomers, and
26 salts of isomers:

27 (1) Aminorex: Some other names: aminoxaphen; 2-amino-5-phenyl-2-
28 oxazoline; or 4, 5-dihydro-5-phenyl-2-oxazolamine;

29 (2) N-Benzylpiperazine: Some other names: BZP, 1-benzylpiperazine;

30 (3) Cathinone, also known as 2-amino-1-phenyl-1-propanone,
31 alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone;

32 (4) Fenethylamine;

33 ~~((+2))~~ (5) Methcathinone: Some other names: 2-(methylamino)-
34 propionophenone; alpha-(methylamino)propionophenone; 2-(methylamino)-1-
35 phenylpropan-1-one; alpha-N-methylaminopropionophenone;

36 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-
37 464; AL-422; AL-463 and UR1432, its salts, optical isomers, and salts
38 of optical isomers;

1 (~~(xiv)~~) (xv) Oripavine;
2 (xvi) Oxycodone;
3 (~~(xv)~~) (xvii) Oxymorphone; and
4 (~~(xvi)~~) (xviii) Thebaine.

5 (2) Any salt, compound, isomer, derivative, or preparation thereof
6 that is chemically equivalent or identical with any of the substances
7 referred to in subsection (b)(1) of this section, but not including the
8 isoquinoline alkaloids of opium.

9 (3) Opium poppy and poppy straw.

10 (4) Coca leaves and any salt, compound, derivative, or preparation
11 of coca leaves including cocaine and ecgonine, and their salts,
12 isomers, derivatives, and salts of isomers and derivatives, and any
13 salt, compound, derivative, or preparation thereof which is chemically
14 equivalent or identical with any of these substances, (~~but not~~
15 ~~including~~) except that the substances shall not include decocainized
16 coca leaves or extractions of coca leaves which do not contain cocaine
17 or ecgonine.

18 (5) (~~Methylbenzoyl~~ecgonine ~~(cocaine—its salts, optical isomers,~~
19 ~~and salts of optical isomers)~~).

20 (~~6~~) Concentrate of poppy straw (The crude extract of poppy straw
21 in either liquid, solid, or powder form which contains the phenanthrene
22 alkaloids of the opium poppy.)

23 (c) Opiates. Unless specifically excepted or unless in another
24 schedule, any of the following synthetic opiates, including its
25 isomers, esters, ethers, salts, and salts of isomers, esters, and
26 ethers, whenever the existence of such isomers, esters, ethers, and
27 salts is possible within the specific chemical designation, dextrorphan
28 and levopropoxyphene excepted:

- 29 (1) Alfentanil;
- 30 (2) Alphaprodine;
- 31 (3) Anileridine;
- 32 (4) Bezitramide;
- 33 (5) Bulk dextropropoxyphene (nondosage forms);
- 34 (6) Carfentanil;
- 35 (7) Dihydrocodeine;
- 36 (8) Diphenoxylate;
- 37 (9) Fentanyl;
- 38 (10) Isomethadone;

- 1 (11) Levo-alphaacetylmethadol, also known as levo-alpha-
2 acetylmethadol, levomethadyl acetate, or LAAM;
3 (12) Levomethorphan;
4 (~~(12)~~) (13) Levorphanol;
5 (~~(13)~~) (14) Metazocine;
6 (~~(14)~~) (15) Methadone;
7 (~~(15)~~) (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-
8 diphenyl butane;
9 (~~(16)~~) (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-
10 diphenylpropane-carboxylic acid;
11 (~~(17)~~) (18) Pethidine (meperidine);
12 (~~(18)~~) (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-
13 phenylpiperidine;
14 (~~(19)~~) (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-
15 carboxylate;
16 (~~(20)~~) (21) Pethidine-Intermediate-C, 1-methyl-4-
17 phenylpiperidine-4-carboxylic acid;
18 (~~(21)~~) (22) Phenazocine;
19 (~~(22)~~) (23) Piminodine;
20 (~~(23)~~) (24) Racemethorphan;
21 (~~(24)~~) (25) Racemorphan;
22 (~~(25)~~) (26) Remifentanil;
23 (27) Sufentanil;
24 (28) Tapentadol.

25 (d) Stimulants. Unless specifically excepted or unless listed in
26 another schedule, any material, compound, mixture, or preparation which
27 contains any quantity of the following substances having a stimulant
28 effect on the central nervous system:

- 29 (1) Amphetamine, its salts, optical isomers, and salts of its
30 optical isomers;
31 (2) Methamphetamine, its salts, isomers, and salts of its isomers;
32 (3) Phenmetrazine and its salts;
33 (4) Methylphenidate;
34 (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

35 (e) Depressants. Unless specifically excepted or unless listed in
36 another schedule, any material, compound, mixture, or preparation which
37 contains any quantity of the following substances having a depressant

1 effect on the central nervous system, including its salts, isomers, and
2 salts of isomers whenever the existence of such salts, isomers, and
3 salts of isomers is possible within the specific chemical designation:

- 4 (1) Amobarbital;
- 5 (2) Glutethimide;
- 6 (3) Pentobarbital;
- 7 (4) Phencyclidine;
- 8 (5) Secobarbital.
- 9 (f) Hallucinogenic substances.

10 ~~((1) Dronabinol (synthetic) in sesame oil and encapsulated in a~~
11 ~~soft gelatin capsule in a United States Food and Drug Administration~~
12 ~~approved drug product. (Some other names for dronabinol [6aR-trans]-~~
13 ~~6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-~~
14 ~~ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)~~

15 (+2)) Nabilone: Some trade or other names are (±)-trans3-(1,1-
16 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
17 dibenzol[b,d]pyran-9-one.

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

21 (1) Immediate precursor to amphetamine and methamphetamine:

22 (i) Phenylacetone: Some trade or other names phenyl-2-propanone,
23 P2P, benzyl methyl ketone, methyl benzyl ketone.

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

25 (i) 1-phenylcyclohexylamine;

26 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

27 The controlled substances in this section may be added,
28 rescheduled, or deleted as provided for in RCW 69.50.201.

29 **Sec. 4.** RCW 69.50.208 and 1993 c 187 s 8 are each amended to read
30 as follows:

31 Unless specifically excepted by state or federal law or regulation
32 or more specifically included in another schedule, the following
33 controlled substances are listed in Schedule III:

34 (a) Stimulants. Any material, compound, mixture, or preparation
35 containing any quantity of the following substances having a stimulant
36 effect on the central nervous system, including their salts, isomers,

1 whether optical, position, or geometric, and salts of isomers whenever
2 the existence of those salts, isomers, and salts of isomers is possible
3 within the specific chemical designation:

4 (1) Any compound, mixture, or preparation in dosage unit form
5 containing any stimulant substance included in Schedule II and which
6 was listed as an excepted compound on August 25, 1971, pursuant to the
7 federal Controlled Substances Act, and any other drug of the
8 quantitative composition shown in that list for those drugs or which is
9 the same except for containing a lesser quantity of controlled
10 substances;

11 (2) Benzphetamine;

12 (3) Chlorphentermine;

13 (4) Clortermine;

14 (5) Phendimetrazine.

15 (b) Depressants. Unless specifically excepted or unless listed in
16 another schedule, any material, compound, mixture, or preparation which
17 contains any quantity of the following substances having a depressant
18 effect on the central nervous system:

19 (1) Any compound, mixture, or preparation containing:

20 (i) Amobarbital;

21 (ii) Secobarbital;

22 (iii) Pentobarbital;

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

25 (2) Any suppository dosage form containing:

26 (i) Amobarbital;

27 (ii) Secobarbital;

28 (iii) Pentobarbital;

29 or any salt of any of these drugs and approved by the Food and Drug
30 Administration for marketing only as a suppository;

31 (3) Any substance which contains any quantity of a derivative of
32 barbituric acid, or any salt of a derivative of barbituric acid;

33 (4) Chlorhexadol;

34 (5) Embutramide;

35 (6) Any drug product containing gamma hydroxybutyric acid,
36 including its salts, isomers, and salts of isomers, for which an
37 application is approved under section 505 of the federal food, drug,
38 and cosmetic act;

1 (7) Ketamine, its salts, isomers, and salts of isomers, some other
2 names for ketamine: (<plus-minus>)-2-(2-chlorophenyl)-2-(methylamino)-
3 cyclohexanone;

4 (8) Lysergic acid;
5 ~~((+6))~~ (9) Lysergic acid amide;
6 ~~((+7))~~ (10) Methyprylon;
7 ~~((+8))~~ (11) Sulfondiethylmethane;
8 ~~((+9))~~ (12) Sulfonethylmethane;
9 ~~((+10))~~ (13) Sulfonmethane;

10 ~~((+11))~~ (14) Tiletamine and zolazepam or any of their salts—some
11 trade or other names for a tiletamine-zolazepam combination product:
12 Telazol, some trade or other names for tiletamine: 2-(ethylamino)-2-
13 (2-thienyl) cyclohexanone, some trade or other names for zolazepam: 4-
14 (2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-
15 diazepin-7(1H)-one flupyrazapon.

16 (c) Nalorphine.

17 ~~((Anabolic steroids.—The term "anabolic steroid" means any~~
18 ~~drug or hormonal substance, chemically and pharmacologically related to~~
19 ~~testosterone (other than estrogens, progestins, and corticosteroids)~~
20 ~~that promotes muscle growth, and includes:~~

21 ~~(1) Boldenone;~~
22 ~~(2) Chlorotestosterone;~~
23 ~~(3) Clostebol;~~
24 ~~(4) Dehydrochlormethyltestosterone;~~
25 ~~(5) Dihydrotestosterone;~~
26 ~~(6) Drostanolone;~~
27 ~~(7) Ethylestrenol;~~
28 ~~(8) Fluoxymesterone;~~
29 ~~(9) Formebolone;~~
30 ~~(10) Mesterolone;~~
31 ~~(11) Methandienone;~~
32 ~~(12) Methandranone;~~
33 ~~(13) Methandriol;~~
34 ~~(14) Methandrostenolone;~~
35 ~~(15) Methenolone;~~
36 ~~(16) Methyltestosterone;~~
37 ~~(17) Mibolerone;~~
38 ~~(18) Nanrolone [nandrolone];~~

- 1 ~~(19) Norethandrolone;~~
- 2 ~~(20) Oxandrolone;~~
- 3 ~~(21) Oxymesterone;~~
- 4 ~~(22) Oxymetholone;~~
- 5 ~~(23) Stanolone;~~
- 6 ~~(24) Stanozolol;~~
- 7 ~~(25) Testolactone;~~
- 8 ~~(26) Testosterone;~~
- 9 ~~(27) Trenbolone; and~~

10 ~~(28) Any salt, ester, or isomer of a drug or substance described or~~
11 ~~listed in this subsection, if that salt, ester, or isomer promotes~~
12 ~~muscle growth. Except such term does not include an anabolic steroid~~
13 ~~which is expressly intended for administration through implants to~~
14 ~~cattle or other nonhuman species and which has been approved by the~~
15 ~~secretary of health and human services for such administration. If any~~
16 ~~person prescribes, dispenses, or distributes such steroid for human use~~
17 ~~such person shall be considered to have prescribed, dispensed, or~~
18 ~~distributed an anabolic steroid within the meaning of this subsection.~~

19 ~~(e) Narcotic drugs. Unless specifically excepted or unless listed~~
20 ~~in another schedule, any material, compound, mixture, or preparation~~
21 ~~containing limited quantities of any of the following narcotic drugs,~~
22 ~~or any salts thereof calculated as the free anhydrous base or alkaloid,~~
23 ~~in limited quantities as set forth in this subsection:~~

24 ~~(1) Not more than 1.8 grams of codeine per 100 milliliters or not~~
25 ~~more than 90 milligrams per dosage unit, with an equal or greater~~
26 ~~quantity of an isoquinoline alkaloid of opium;~~

27 ~~(2) Not more than 1.8 grams of codeine per 100 milliliters or not~~
28 ~~more than 90 milligrams per dosage unit, with one or more active,~~
29 ~~nonnarcotic ingredients in recognized therapeutic amounts;~~

30 ~~(3) Not more than 300 milligrams of dihydrocodeinone per 100~~
31 ~~milliliters or not more than 15 milligrams per dosage unit, with a~~
32 ~~fourfold or greater quantity of an isoquinoline alkaloid of opium;~~

33 ~~(4) Not more than 300 milligrams of dihydrocodeinone per 100~~
34 ~~milliliters or not more than 15 milligrams per dosage unit, with one or~~
35 ~~more active, nonnarcotic ingredients in recognized therapeutic amounts;~~

36 ~~(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters~~
37 ~~or not more than 90 milligrams per dosage unit, with one or more~~
38 ~~active, nonnarcotic ingredients in recognized therapeutic amounts;~~

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

4 ~~(7) Not more than 500 milligrams of opium per 100 milliliters or~~
5 ~~per 100 grams, or not more than 25 milligrams per dosage unit, with one~~
6 ~~or more active, nonnarcotic ingredients in recognized therapeutic~~
7 ~~amounts;~~

8 ~~(8) Not more than 50 milligrams of morphine per 100 milliliters or~~
9 ~~per 100 grams with one or more active, nonnarcotic ingredients in~~
10 ~~recognized therapeutic amounts.)) Narcotic drugs. Unless specifically~~
11 ~~excepted or unless listed in another schedule, any material, compound,~~
12 ~~mixture, or preparation containing limited quantities of any of the~~
13 ~~following narcotic drugs, or any salts thereof calculated as the free~~
14 ~~anhydrous base or alkaloid, in limited quantities as set forth in this~~
15 ~~subsection:~~

16 (1) Not more than 1.8 grams of codeine per 100 milliliters or not
17 more than 90 milligrams per dosage unit, with an equal or greater
18 quantity of an isoquinoline alkaloid of opium;

19 (2) Not more than 1.8 grams of codeine per 100 milliliters or not
20 more than 90 milligrams per dosage unit, with one or more active,
21 nonnarcotic ingredients in recognized therapeutic amounts;

22 (3) Not more than 300 milligrams of dihydrocodeinone (hydrocodone)
23 per 100 milliliters or not more than 15 milligrams per dosage unit,
24 with a fourfold or greater quantity of an isoquinoline alkaloid of
25 opium;

26 (4) Not more than 300 milligrams of dihydrocodeinone (hydrocodone)
27 per 100 milliliters or not more than 15 milligrams per dosage unit,
28 with one or more active, nonnarcotic ingredients in recognized
29 therapeutic amounts;

30 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters
31 or not more than 90 milligrams per dosage unit, with one or more
32 active, nonnarcotic ingredients in recognized therapeutic amounts;

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

36 (7) Not more than 500 milligrams of opium per 100 milliliters or
37 per 100 grams, or not more than 25 milligrams per dosage unit, with one

1 or more active, nonnarcotic ingredients in recognized therapeutic
2 amounts; and

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

6 (e) Any material, compound, mixture, or preparation containing any
7 of the following narcotic drugs or their salts: Buprenorphine.

8 (f) Hallucinogenic substances. Dronabinol (synthetic) in sesame
9 oil and encapsulated in a soft gelatin capsule in a United States food
10 and drug administration approved product. Some other names for
11 dronabinol: [6a R-trans]-6a,7,8, 10a-tetrahydro-6,6,9-trimethyl-3-
12 pentyl-6H-dibenzo[b,d] pyran-i-ol, or (-)-delta-9-(trans)-
13 tetrahydrocannabinol.

14 (g) Anabolic steroids. The term "anabolic steroids" means any drug
15 or hormonal substance, chemically and pharmacologically related to
16 testosterone, other than estrogens, progestins, corticosteroids, and
17 dehydroepiandrosterone, that promotes muscle growth and includes:

- 18 (1) 3 β ,17-dihydroxy-5 α -androstane;
- 19 (2) 3 α ,17 β -dihydroxy-5 α -androstane;
- 20 (3) 5 α -androstan-3,17-dione;
- 21 (4) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 22 (5) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 23 (6) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 24 (7) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 25 (8) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 26 (9) 4-androstenedione (androst-4-en-3,17-dione);
- 27 (10) 5-androstenedione (androst-5-en-3,17-dione);
- 28 (11) Bolasterone (7 α ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 29 (12) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 30 (13) Calusterone (7 β ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 31 (14) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 32 (15) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -
33 methyl-androst-1,4-dien-3-one);
- 34 (16) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17 β -hydroxy-
35 5 α -androst-1-en-3-one);
- 36 (17) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 37 (18) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 38 (19) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);

- 1 (20) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-
2 4-en-3-one);
- 3 (21) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-
4 1,4-dien-3-one);
- 5 (22) Furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
6 (23) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
7 (24) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
8 (25) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-
9 one);
- 10 (26) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
11 (27) Mesterolone (1 α methyl-17 β -hydroxy-[5 α]-androstan-3-one);
12 (28) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
13 (29) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
14 (30) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
15 (31) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane;
16 (32) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane;
17 (33) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
18 (34) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -
19 hydroxyestr-4-en-3-one);
- 20 (35) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-
21 one);
- 22 (36) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-
23 one);
- 24 (37) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
25 (38) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
26 (39) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-
27 5 α -androst-1-en-3-one) (also known as '17- α -methyl-1-testosterone');
- 28 (40) Nandrolone (17 β -hydroxyestr-4-en-3-one);
29 (41) 19-nor-4-androstenediol (3 β , 17 β -dihydroxyestr-4-ene);
30 (42) 19-nor-4-androstenediol (3 α , 17 β -dihydroxyestr-4-ene);
31 (43) 19-nor-5-androstenediol (3 β , 17 β -dihydroxyestr-5-ene);
32 (44) 19-nor-5-androstenediol (3 α , 17 β -dihydroxyestr-5-ene);
33 (45) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
34 (46) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
35 (47) Norbolethone (13 β , 17 α -diethyl-17 β -hydroxygon-4-en-3-one);
36 (48) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
37 (49) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
38 (50) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);

- 1 (51) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-
2 one);
- 3 (52) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- 4 (53) Oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
5 androstan-3-one);
- 6 (54) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-
7 pyrazole);
- 8 (55) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- 9 (56) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-
10 oic acid lactone);
- 11 (57) Testosterone (17 β -hydroxyandrost-4-en-3-one);
- 12 (58) Tetrahydrogestrinone (13 β , 17 α -diethyl-17 β -hydroxygon-4,9,11-
13 trien-3-one);
- 14 (59) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one); and
- 15 (60) Any salt, ester, or ether of a drug or substance described in
16 this section. Such term does not include an anabolic steroid that is
17 expressly intended for administration through implants to cattle or
18 other nonhuman species and that has been approved by the secretary of
19 the department of health and human services for such administration.
20 If any person prescribes, dispenses, or distributes such steroid for
21 human use, the person shall be considered to have prescribed,
22 dispensed, or distributed an anabolic steroid within the meaning of
23 this section.

24 The state board of pharmacy may except by rule any compound,
25 mixture, or preparation containing any stimulant or depressant
26 substance listed in subsection (a)(1) and (2) of this section from the
27 application of all or any part of this chapter if the compound,
28 mixture, or preparation contains one or more active medicinal
29 ingredients not having a stimulant or depressant effect on the central
30 nervous system, and if the admixtures are in combinations, quantity,
31 proportion, or concentration that vitiate the potential for abuse of
32 the substances having a stimulant or depressant effect on the central
33 nervous system.

34 The controlled substances listed in this section may be added,
35 rescheduled, or deleted as provided for in RCW 69.50.201.

36 **Sec. 5.** RCW 69.50.210 and 1993 c 187 s 10 are each amended to read
37 as follows:

1 Unless specifically excepted by state or federal law or regulation
2 or more specifically included in another schedule, the following
3 controlled substances are listed in Schedule IV:

4 (a) Any material, compound, mixture, or preparation containing any
5 of the following narcotic drugs, or their salts calculated as the free
6 anhydrous base or alkaloid, in limited quantities as set forth below:

7 (1) Not more than 1 milligram of difenoxin and not less than 25
8 micrograms of atropine sulfate per dosage unit.

9 (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-
10 methyl-2-propionoxybutane).

11 (b) Depressants. Unless specifically excepted or unless listed in
12 another schedule, any material, compound, mixture, or preparation
13 containing any quantity of the following substances having a depressant
14 effect on the central nervous system, including their salts, isomers,
15 and salts of isomers whenever the existence of those salts, isomers,
16 and salts of isomers is possible within the specific chemical
17 designation:

18 (1) Alprazolam;

19 (2) Barbital;

20 (3) Bromazepam;

21 (4) Camazepam;

22 (5) Chloral betaine;

23 (6) Chloral hydrate;

24 (7) Chlordiazepoxide;

25 (8) Clobazam;

26 (9) Clonazepam;

27 (10) Clorazepate;

28 (11) Clotiazepam;

29 (12) Cloxazolam;

30 (13) Delorazepam;

31 (14) Diazepam;

32 (15) Dichloralphenazone;

33 (16) Estazolam;

34 ~~((+16))~~ (17) Ethchlorvynol;

35 ~~((+17))~~ (18) Ethinamate;

36 ~~((+18))~~ (19) Ethyl loflazepate;

37 ~~((+19))~~ (20) Fludiazepam;

38 ~~((+20))~~ (21) Flunitrazepam;

1 (~~(21)~~) (22) Flurazepam;
2 (~~(22)~~) (23) Halazepam;
3 (~~(23)~~) (24) Haloxazolam;
4 (~~(24)~~) (25) Ketazolam;
5 (~~(25)~~) (26) Loprazolam;
6 (~~(26)~~) (27) Lorazepam;
7 (~~(27)~~) (28) Lormetazepam;
8 (~~(28)~~) (29) Mebutamate;
9 (~~(29)~~) (30) Medazepam;
10 (~~(30)~~) (31) Meprobamate;
11 (~~(31)~~) (32) Methohexital;
12 (~~(32)~~) (33) Methylphenobarbital (mephobarbital);
13 (~~(33)~~) (34) Midazolam;
14 (~~(34)~~) (35) Nimetazepam;
15 (~~(35)~~) (36) Nitrazepam;
16 (~~(36)~~) (37) Nordiazepam;
17 (~~(37)~~) (38) Oxazepam;
18 (~~(38)~~) (39) Oxazolam;
19 (~~(39)~~) (40) Paraldehyde;
20 (~~(40)~~) (41) Petrichloral;
21 (~~(41)~~) (42) Phenobarbital;
22 (~~(42)~~) (43) Pinazepam;
23 (~~(43)~~) (44) Prazepam;
24 (~~(44)~~) (45) Quazepam;
25 (~~(45)~~) (46) Temazepam;
26 (~~(46)~~) (47) Tetrazepam;
27 (~~(47)~~) (48) Triazolam;
28 (49) Zaleplon;
29 (50) Zolpidem; and
30 (51) Zopiclone.

31 (c) Fenfluramine. Any material, compound, mixture, or preparation
32 containing any quantity of the following substance, including its
33 salts, isomers, and salts of such isomers, whenever the existence of
34 such salts, isomers, and salts of isomers is possible: Fenfluramine.

35 (d) Stimulants. Unless specifically excepted or unless listed in
36 another schedule, any material, compound, mixture, or preparation
37 containing any quantity of the following substances having a stimulant

1 effect on the central nervous system, including their salts, isomers,
2 and salts of isomers:

3 (1) Cathine((+)norpseudoephedrine);

4 (2) Diethylpropion;

5 (3) Fencamfamin;

6 (4) Fenproporex;

7 (5) Mazindol;

8 (6) Mefenorex;

9 (7) Modafinil;

10 (8) Pemoline (including organometallic complexes and chelates
11 thereof);

12 ~~((+8))~~ (9) Phentermine;

13 ~~((+9))~~ (10) Pipradrol;

14 ~~((+10))~~ (11) Sibutramine;

15 (12) SPA ((-)-1-dimethylamino-1, 2-dephenylethane).

16 (e) Other substances. Unless specifically excepted or unless
17 listed in another schedule, any material, compound, mixture, or
18 preparation containing any quantity of the following substance,
19 including its salts:

20 (1) Pentazocine;

21 (2) Butorphanol, including its optical isomers.

22 The state board of pharmacy may except by rule any compound,
23 mixture, or preparation containing any depressant substance listed in
24 subsection (b) of this section from the application of all or any part
25 of this chapter if the compound, mixture, or preparation contains one
26 or more active medicinal ingredients not having a depressant effect on
27 the central nervous system, and if the admixtures are in combinations,
28 quantity, proportion, or concentration that vitiate the potential for
29 abuse of the substances having a depressant effect on the central
30 nervous system.

31 The controlled substances listed in this section may be added,
32 rescheduled, or deleted as provided for in RCW 69.50.201.

33 **Sec. 6.** RCW 69.50.212 and 1993 c 187 s 12 are each amended to read
34 as follows:

35 Unless specifically excepted by state or federal law or regulation
36 or more specifically included in another schedule, the following
37 controlled substances are listed in Schedule V:

1 (a) (~~Any material, compound, mixture, or preparation containing~~
2 ~~any of the following narcotic drug and its salts: Buprenorphine.~~

3 ~~(b))~~ Any compound, mixture, or preparation containing any of the
4 following narcotic drugs, or their salts calculated as the free
5 anhydrous base or alkaloid, in limited quantities as set forth in this
6 subsection, which also contains one or more nonnarcotic active
7 medicinal ingredients in sufficient proportion to confer upon the
8 compound, mixture, or preparation, valuable medicinal qualities other
9 than those possessed by the narcotic drug alone:

10 (1) Not more than 200 milligrams of codeine per 100 milliliters or
11 per 100 grams;

12 (2) Not more than 100 milligrams of dihydrocodeine per 100
13 milliliters or per 100 grams;

14 (3) Not more than 100 milligrams of ethylmorphine per 100
15 milliliters or per 100 grams;

16 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
17 25 micrograms of atropine sulfate per dosage unit;

18 (5) Not more than 100 milligrams of opium per 100 milliliters or
19 per 100 grams;

20 (6) Not more than 0.5 milligrams of difenoxin and not less than 25
21 micrograms of atropine sulfate per dosage unit.

22 (~~(c) Any material, compound, mixture, or preparation containing~~
23 ~~any quantity of the following substances having a stimulant effect on~~
24 ~~the central nervous system, including their salts, isomers, and salts~~
25 ~~of isomers: Pyrovalerone.)) (b) Stimulants. Unless specifically
26 exempted or excluded or unless listed in another schedule, any
27 material, compound, mixture, or preparation which contains any quantity
28 of the following substances having a stimulant effect on the central
29 nervous system, including its salts, isomers, and salts of isomers:
30 Pyrovalerone.~~

31 (c) Depressants. Unless specifically exempted or excluded or
32 unless listed in another schedule, any material, compound, mixture, or
33 preparation which contains any quantity of the following substances
34 having a depressant effect on the central nervous system, including its
35 salts:

36 (1) Lacosamid, [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

37 (2) Pregabalin{(S)-3-(aminomethyl)-5-methylhexanoic acid}.

1 The controlled substances listed in this section may be added,
2 rescheduled, or deleted as provided for in RCW 69.50.201.

3 **Sec. 7.** RCW 69.50.402 and 2003 c 53 s 338 are each amended to read
4 as follows:

5 (1) It is unlawful for any person:

6 (a) Who is subject to Article III to distribute or dispense a
7 controlled substance in violation of RCW 69.50.308;

8 (b) Who is a registrant, to manufacture a controlled substance not
9 authorized by his or her registration, or to distribute or dispense a
10 controlled substance not authorized by his or her registration to
11 another registrant or other authorized person;

12 (c) Who is a practitioner, to prescribe, order, dispense,
13 administer, supply, or give to any person:

14 (i) Any amphetamine, including its salts, optical isomers, and
15 salts of optical isomers classified as a schedule II controlled
16 substance by the board of pharmacy pursuant to chapter 34.05 RCW; or

17 (ii) Any nonnarcotic stimulant classified as a schedule II
18 controlled substance and designated as a nonnarcotic stimulant by the
19 board of pharmacy pursuant to chapter 34.05 RCW;

20 except for the treatment of narcolepsy or for the treatment of
21 hyperkinesia, or for the treatment of drug-induced brain dysfunction,
22 or for the treatment of epilepsy, or for the differential diagnostic
23 psychiatric evaluation of depression, or for the treatment of
24 depression shown to be refractory to other therapeutic modalities, or
25 for the treatment of multiple sclerosis, or for the clinical
26 investigation of the effects of such drugs or compounds, in which case
27 an investigative protocol therefor shall have been submitted to and
28 reviewed and approved by the state board of pharmacy before the
29 investigation has been begun: PROVIDED, That the board of pharmacy, in
30 consultation with the medical quality assurance commission and the
31 osteopathic disciplinary board, may establish by rule, pursuant to
32 chapter 34.05 RCW, disease states or conditions in addition to those
33 listed in this subsection for the treatment of which Schedule II
34 nonnarcotic stimulants may be prescribed, ordered, dispensed,
35 administered, supplied, or given to patients by practitioners: AND
36 PROVIDED, FURTHER, That investigations by the board of pharmacy of

1 abuse of prescriptive authority by physicians, licensed pursuant to
2 chapter 18.71 RCW, pursuant to subsection (1)(c) of this section shall
3 be done in consultation with the medical quality assurance commission;

4 (d) To refuse or fail to make, keep or furnish any record,
5 notification, order form, statement, invoice, or information required
6 under this chapter;

7 (e) To refuse an entry into any premises for any inspection
8 authorized by this chapter; or

9 (f) Knowingly to keep or maintain any store, shop, warehouse,
10 dwelling, building, vehicle, boat, aircraft, or other structure or
11 place, which is resorted to by persons using controlled substances in
12 violation of this chapter for the purpose of using these substances, or
13 which is used for keeping or selling them in violation of this chapter.

14 (2) Any person who violates this section is guilty of a class C
15 felony and upon conviction may be imprisoned for not more than two
16 years, fined not more than two thousand dollars, or both.

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