



AN ACT GENERALLY REVISING LAWS RELATING TO CONTROLLED SUBSTANCES; DEFINING "DANGEROUS DRUG ANALOGUES"; LISTING DANGEROUS DRUG ANALOGUES AS SCHEDULE I DANGEROUS DRUGS; REVISING PROVISIONS RELATED TO SYNTHETIC CANNABINOIDS; LISTING SUBSTITUTED CATHINONES, ALSO KNOWN AS BATH SALTS, AS SCHEDULE I DANGEROUS DRUGS; LISTING HASHISH AS A SCHEDULE I DANGEROUS DRUG; LISTING VARIOUS SUBSTANCES AS DANGEROUS DRUGS; AND AMENDING SECTIONS 45-9-101, 45-9-102, 45-9-103, 45-9-110, 50-32-101, 50-32-222, 50-32-224, 50-32-226, 50-32-229, 50-32-232, AND 50-32-314, MCA.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-9-101, MCA, is amended to read:

"45-9-101. Criminal distribution of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal distribution of dangerous drugs if the person sells, barter, exchanges, gives away, or offers to sell, barter, exchange, or give away any dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal distribution of a narcotic drug, as defined in 50-32-101~~(18)(d)~~(19)(d), or an opiate, as defined in 50-32-101~~(19)~~, shall be imprisoned in the state prison for a term of not less than 2 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(3) (a) A person convicted of criminal distribution of a dangerous drug included in Schedule I or Schedule II pursuant to 50-32-222 or 50-32-224, except marijuana or tetrahydrocannabinol, who has a prior conviction for criminal distribution of such a drug shall be imprisoned in the state prison for a term of not less than 10 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(b) Upon a third or subsequent conviction for criminal distribution of such a drug, the person shall be imprisoned in the state prison for a term of not less than 20 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(c) The exception for marijuana or tetrahydrocannabinol in subsection (3)(a) does not apply to synthetic cannabinoids listed as dangerous drugs in 50-32-222.

(4) A person convicted of criminal distribution of dangerous drugs not otherwise provided for in subsection (2), (3), or (5) shall be imprisoned in the state prison for a term of not less than 1 year or more than life or be fined an amount of not more than \$50,000, or both.

(5) A person who was an adult at the time of distribution and who is convicted of criminal distribution of dangerous drugs to a minor shall be sentenced as follows:

(a) If convicted pursuant to subsection (2), the person shall be imprisoned in the state prison for not less than 4 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(b) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to 50-32-222 or 50-32-224 and if previously convicted of such a distribution, the person shall be imprisoned in the state prison for not less than 20 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(c) If convicted of the distribution of a dangerous drug included in Schedule I or Schedule II pursuant to 50-32-222 or 50-32-224 and if previously convicted of two or more such distributions, the person shall be imprisoned in the state prison for not less than 40 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(d) If convicted pursuant to subsection (4), the person shall be imprisoned in the state prison for not less than 2 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(6) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 2. Section 45-9-102, MCA, is amended to read:

"45-9-102. Criminal possession of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession of dangerous drugs if the person possesses any dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal possession of marijuana or its derivatives in an amount the aggregate weight of which does not exceed 60 grams of marijuana or 1 gram of hashish is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 and by imprisonment in the county jail for not more than 6 months. The minimum fine must be imposed as a condition of a suspended or deferred sentence. A person convicted of a second or subsequent offense under this subsection is punishable

by a fine not to exceed \$1,000 or by imprisonment in the county jail for a term not to exceed 1 year or in the state prison for a term not to exceed 3 years or by both. This subsection does not apply to the possession of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

(3) A person convicted of criminal possession of an anabolic steroid as listed in 50-32-226 is, for the first offense, guilty of a misdemeanor and shall be punished by a fine of not less than \$100 or more than \$500 or by imprisonment in the county jail for not more than 6 months, or both.

(4) A person convicted of criminal possession of an opiate, as defined in 50-32-101(19), shall be imprisoned in the state prison for a term of not less than 2 years or more than 5 years and may be fined not more than \$50,000, except as provided in 46-18-222.

(5) (a) A person convicted of a second or subsequent offense of criminal possession of methamphetamine shall be punished by:

(i) imprisonment for a term not to exceed 5 years or by a fine not to exceed \$50,000, or both; or

(ii) commitment to the department of corrections for placement in an appropriate correctional facility or program for a term of not less than 3 years or more than 5 years. If the person successfully completes a residential methamphetamine treatment program operated or approved by the department of corrections during the first 3 years of a term, the remainder of the term must be suspended. The court may also impose a fine not to exceed \$50,000.

(b) During the first 3 years of a term under subsection (5)(a)(ii), the department of corrections may place the person in a residential methamphetamine treatment program operated or approved by the department of corrections or in a correctional facility or program. The residential methamphetamine treatment program must consist of time spent in a residential methamphetamine treatment facility and time spent in a community-based prerelease center.

(c) The court shall, as conditions of probation pursuant to subsection (5)(a), order:

(i) the person to abide by the standard conditions of probation established by the department of corrections;

(ii) payment of the costs of imprisonment, probation, and any methamphetamine treatment by the person if the person is financially able to pay those costs;

(iii) that the person may not enter an establishment where alcoholic beverages are sold for consumption on the premises or where gambling takes place;

(iv) that the person may not consume alcoholic beverages;
(v) the person to enter and remain in an aftercare program as directed by the person's probation officer;
and

(vi) the person to submit to random or routine drug and alcohol testing.

(6) A person convicted of criminal possession of dangerous drugs not otherwise provided for in subsections (2) through (5) shall be imprisoned in the state prison for a term not to exceed 5 years or be fined an amount not to exceed \$50,000, or both.

(7) A person convicted of a first violation under this section is presumed to be entitled to a deferred imposition of sentence of imprisonment.

(8) Ultimate users and practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 3. Section 45-9-103, MCA, is amended to read:

"45-9-103. Criminal possession with intent to distribute. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal possession with intent to distribute if the person possesses with intent to distribute any dangerous drug as defined in 50-32-101.

(2) A person convicted of criminal possession of an opiate, as defined in 50-32-101~~(19)~~, with intent to distribute shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than \$50,000, except as provided in 46-18-222.

(3) A person convicted of criminal possession with intent to distribute not otherwise provided for in subsection (2) shall be imprisoned in the state prison for a term of not more than 20 years or be fined an amount not to exceed \$50,000, or both.

(4) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 4. Section 45-9-110, MCA, is amended to read:

"45-9-110. Criminal production or manufacture of dangerous drugs. (1) Except as provided in Title 50, chapter 46, a person commits the offense of criminal production or manufacture of dangerous drugs if the person knowingly or purposely produces, manufactures, prepares, cultivates, compounds, or processes a

dangerous drug, as defined in 50-32-101.

(2) A person convicted of criminal production or manufacture of a narcotic drug, as defined in 50-32-101~~(18)(c)~~(19)(d), or an opiate, as defined in 50-32-101~~(19)~~, shall be imprisoned in the state prison for a term of not less than 5 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222.

(3) A person convicted of criminal production or manufacture of a dangerous drug included in Schedule I of 50-32-222 or Schedule II of 50-32-224, except marijuana or tetrahydrocannabinol, who has a prior conviction that has become final for criminal production or manufacture of a Schedule I or Schedule II drug shall be imprisoned in the state prison for a term of not less than 20 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222. Upon a third or subsequent conviction that has become final for criminal production or manufacture of a Schedule I or Schedule II drug, the person shall be imprisoned in the state prison for a term of not less than 40 years or more than life and may be fined not more than \$50,000, except as provided in 46-18-222. The penalties provided for in this subsection also apply to the criminal production or manufacture of synthetic cannabinoids listed as dangerous drugs in 50-32-222.

(4) A person convicted of criminal production or manufacture of marijuana, tetrahydrocannabinol, or a dangerous drug not referred to in subsections (2) and (3) shall be imprisoned in the state prison for a term not to exceed 10 years and may be fined not more than \$50,000, except that if the dangerous drug is marijuana and the total weight is more than a pound or the number of plants is more than 30, the person shall be imprisoned in the state prison for not less than 2 years or more than life and may be fined not more than \$50,000. "Weight" means the weight of the dry plant and includes the leaves and stem structure but does not include the root structure. A person convicted under this subsection who has a prior conviction that has become final for criminal production or manufacture of a drug under this subsection shall be imprisoned in the state prison for a term not to exceed twice that authorized for a first offense under this subsection and may be fined not more than \$100,000.

(5) Practitioners, as defined in 50-32-101, and agents under their supervision acting in the course of a professional practice are exempt from this section."

Section 5. Section 50-32-101, MCA, is amended to read:

"50-32-101. Definitions. As used in this chapter, the following definitions apply:

(1) "Administer" means the direct application of a dangerous drug, whether by injection, inhalation,

ingestion, or other means, to the body of a patient or research subject by:

- (a) a practitioner or by the practitioner's authorized agent; or
- (b) the patient or research subject at the direction and in the presence of the practitioner.

(2) (a) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser.

(b) The term does not include a common or contract carrier, public warehouse operator, or employee of the carrier or warehouse operator.

(3) "Board" means the board of pharmacy provided for in 2-15-1733.

(4) "Bureau" means the drug enforcement administration, United States department of justice, or its successor agency.

(5) "Counterfeit substance" means a dangerous drug or the container or labeling of a dangerous drug without authorization that bears the trademark, trade name, or other identifying mark, imprint, number, or device or a likeness of an identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the drug.

(6) "Dangerous drug" means a drug, substance, or immediate precursor in Schedules I through V set forth in Title 50, chapter 32, part 2.

(7) (a) "Dangerous drug analogue" means any material, compound, mixture, or preparation that is structurally related to or chemically derived from any dangerous drug in Schedules I through V set forth in Title 50, chapter 32, part 2, or that is expressly or impliedly represented to produce or does produce a physiological effect similar to or greater than the effect of a dangerous drug in Schedules I through V.

(b) The term does not include any material, compound, mixture, or preparation that is currently listed as a dangerous drug in Schedules I through V set forth in Title 50, chapter 32, part 2, or in an administrative rule, is approved for use by the United States food and drug administration, or is otherwise specifically excepted from Title 50, chapter 32, part 2.

~~(7)~~(8) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a dangerous drug, whether or not there is an agency relationship.

~~(8)~~(9) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

~~(9)~~(10) "Dispense" means to deliver a dangerous drug to an ultimate user or research subject by or

pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the drug for that delivery.

~~(10)~~(11) "Dispenser" means a practitioner who dispenses.

~~(11)~~(12) "Distribute" means to deliver other than by administering or dispensing a dangerous drug.

~~(12)~~(13) "Distributor" means a person who distributes.

~~(13)~~(14) "Drug" has the same meaning as provided in 37-7-101.

~~(14)~~(15) "Hashish", as distinguished from marijuana, means the mechanically processed or extracted plant material that contains tetrahydrocannabinol (THC) and is composed of resin from the cannabis plant.

~~(15)~~(16) "Immediate precursor" means a substance that the board finds to be and by rule designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a dangerous drug, the control of which is necessary to prevent, curtail, or limit manufacture.

~~(16)~~(17) (a) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a dangerous drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes the packaging or repackaging of the drug or labeling or relabeling of its container.

(b) Manufacture does not include the preparation or compounding of a dangerous drug by an individual for personal use or the preparation, compounding, packaging, or labeling of a dangerous drug:

(i) by a practitioner as an incident to the administering or dispensing of a dangerous drug in the course of a professional practice; or

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

~~(17)~~(18) "Marijuana (marihuana)" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.

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

(a) opium and opiate and a salt, compound, derivative, or preparation of opium or opiate;

(b) a salt, compound, isomer, derivative, or preparation of a salt, compound, isomer, or derivative that

is chemically equivalent or identical with any of the drugs referred to in subsection ~~(18)(a)~~ (19)(a), but not including the isoquinoline alkaloids of opium;

(c) opium poppy and poppy straw; or

(d) coca leaves and a salt, compound, derivative, or preparation of coca leaves and a salt, compound, isomer, derivative, or preparation of a salt, compound, isomer, or derivative that is chemically equivalent or identical with any of these drugs, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

~~(19)~~(20) "Opiate" means a drug having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term does not include, unless specifically designated as a dangerous drug under 50-32-202, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term does include its racemic and levorotatory forms.

~~(20)~~(21) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

~~(21)~~(22) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

~~(22)~~(23) "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

~~(23)~~(24) "Practitioner" means:

(a) a physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, or conduct research with respect to or to administer a dangerous drug in the course of professional practice or research in this state;

(b) a pharmacy or other institution licensed, registered, or otherwise permitted to distribute, dispense, or conduct research with respect to or to administer a dangerous drug in the course of professional practice or research in this state; and

(c) a physician licensed to practice medicine or a dentist licensed to practice dentistry in another state.

~~(24)~~(25) "Prescription" means an order given individually for the person for whom prescribed, directly from the prescriber to the furnisher or indirectly to the furnisher, by means of an order signed by the prescriber and bearing the name and address of the prescriber, the prescriber's license classification, the name of the patient, the name and quantity of the drug or drugs prescribed, the directions for use, and the date of its issue. These stipulations apply to written, electronically transmitted, and telephoned prescriptions.

~~(25)~~(26) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a substance or drug regulated under the provisions of this chapter.

~~(26)~~(27) "State", when applied to a part of the United States, includes a state, district, commonwealth, territory, insular possession of the United States, and any area subject to the legal authority of the United States of America.

~~(27)~~(28) "Ultimate user" means a person who lawfully possesses a dangerous drug for personal use or for the use of a member of the person's household or for administering to an animal owned by the person or by a member of the person's household."

Section 6. Section 50-32-222, MCA, is amended to read:

"50-32-222. Specific dangerous drugs included in Schedule I. Schedule I consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including 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-piperidiny)-N-phenylacetamide;

(b) acetylmethadol, also known as 4-(dimethylamino)-1-ethyl-2,2-diphenylpentyl acetate or methadyl acetate;

(c) allylprodine, also known as 1-methyl-4-phenyl-3-(prop-2-en-1-yl)piperidin-4-yl propanoate;

(d) alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM;

(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-piperidiny]-N-phenylpropanamide and;

(i) benzethidine;

- (j) betacetylmethadol;
- (k) beta-hydroxyfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny]-N-phenylpropanamide;
- (l) beta-hydroxy-3-methylfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny]-N-phenylprop anamide;
- (m) betameprodine;
- (n) betamethadol;
- (o) betaprodine;
- (p) clonitazene;
- (q) dextromoramide;
- (r) diampromide;
- (s) diethylthiambutene;
- (t) difenoxin;
- (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) levophenacymorphan;
- (hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidy]-N-phenylpropanamide;
- (ii) 3-methylthiofentanyl, also known as N-[3-methyl- 1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide;

- (jj) morpheridine;
- (kk) MPPP, also known as desmethylprodine and (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-piperidinyl]propanamide;
- (qq) PEPAP, also known as (1-(2-phenethyl)-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-piperidinyl]-propanamide;
- (bbb) tilidine; and
- (ccc) trimeperidine.

(2) For the purposes of subsection (1)(hh), the term "isomer" includes the optical, ~~position~~ positional, and geometric isomers.

(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following are opium derivatives, including 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) acetorphine;
- (b) acetyldihydrocodeine;
- (c) benzylmorphine;
- (d) codeine methylbromide;

- (e) ~~codeine-n-oxide~~ 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~~ morphine-N-oxide;
- (r) myrophine;
- (s) nicocodeine;
- (t) nicomorphine;
- (u) normorphine;
- (v) pholcodine; and
- (w) thebacon.

(4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic substance, including 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) ~~alpha-ethyltryptamine. Trade or other names include, also known as~~ etryptamine, monase, alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET;

(b) alpha-methyltryptamine, also known as AMT;

~~(b)(c) 4-bromo-2,5-dimethoxy-amphetamine. Trade or other names include, also known as~~ 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine, and 4-bromo-2,5-DMA;

~~(e)(d) 4-bromo-2,5-dimethoxyphenethylamine. Trade or other names include, also known as~~

2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane, ~~alpha-desmethylDOB~~ alpha-desmethyl DOB, and 2C-B, Nexus;

~~(d)(e)~~ 2,5-dimethoxyamphetamine. ~~Trade or other names include, also known as~~ 2,5-dimethoxy-alpha-methylphenethylamine methylphenethylamine and 2,5-DMA;

~~(f)~~ 2,5-dimethoxy-4-(N)-propylthiophenethylamine, also known as 2C-T-7;

~~(e)(g)~~ 3,4-methylenedioxy amphetamine;

~~(f)(h)~~ 2,5-dimethoxy-4-ethylamphetamine. ~~A trade or other name, also known as~~ is DOET;

~~(i)~~ 5-methoxy-N,N-diisopropyltryptamine, also known as 5-MeO-DIPT;

~~(j)~~ 5-methoxy-N,N-dimethyltryptamine, also known as 5-MeO-DMT;

~~(g)(k)~~ 4-methoxyamphetamine. ~~A trade or other name is, also known as~~ 4-methoxy-alpha-methylphenethylamine;

~~(h)(l)~~ 5-methoxy-3,4-methylenedioxy amphetamine methylenedioxyamphetamine;

~~(f)(m)~~ 4-methyl-2,5-dimethoxy-amphetamine dimethoxyamphetamine. ~~Trade or other names include, also known as~~ 4-methyl-2, 5-dimethoxy-alpha-methylphenethylamine, DOM, and STP;

~~(j)~~ 3,4-methylenedioxy amphetamine;

~~(k)(n)~~ 3,4-methylenedioxymethamphetamine, also known as MDMA (~~MDMA~~);

~~(f)(o)~~ 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA;

~~(m)(p)~~ N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine and N-hydroxy MDA;

~~(n)(q)~~ 3,4,5-trimethoxy amphetamine trimethoxyamphetamine;

~~(e)(r)~~ bufotenine. ~~Trade and other names include, also known as~~ 3-(beta-dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine;

~~(p)(s)~~ diethyltryptamine. ~~Trade and other names include, also known as~~ N,N-diethyltryptamine and DET;

~~(q)(t)~~ dimethyltryptamine. ~~A trade or other name is, also known as~~ DMT;

~~(u)~~ hashish;

~~(f)(v)~~ ibogaine. ~~Trade or other names include, also known as~~ 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H -pyrido [1', 2':1,2] azepine [5,4-b] indole and tabernanthe iboga;

~~(s)~~(w) lysergic acid diethylamide, also known as LSD;

~~(t)~~(x) marijuana;

~~(u)~~(y) mescaline;

~~(v)~~(z) parahexyl. ~~Trade or other names include,~~ also known as 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl;

~~(w)~~(aa) peyote, meaning all parts of the plant presently classified botanically as *lophophora williamsii* lemaire, whether growing or not; the seed of the plant; any extract from any part of the plant; and every compound, manufacture, ~~salts~~ salt, ~~derivatives~~ derivative, mixture, or preparation of the plant, its seed, or extracts;

~~(x)~~(bb) ~~n-ethyl-3-piperidyl benzilate~~ N-ethyl-3-piperidyl benzilate;

~~(y)~~(cc) ~~n-methyl-3-piperidyl benzilate~~ N-methyl-3-piperidyl benzilate;

~~(z)~~(dd) psilocybin;

~~(aa)~~(ee) psilocyn;

~~(bb)~~(ff) tetrahydrocannabinols, including 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 those listed in subsections ~~(4)(bb)(i) through (4)(bb)(iii)~~ (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

(i) delta 1 (delta 9) cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta 6 cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta 3,4 cis or trans tetrahydrocannabinol and its optical isomers;

~~(cc)~~(gg) ethylamine analog of phencyclidine. ~~Trade or others names include,~~ also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE-;

~~(dd)~~(hh) pyrrolidine analog of phencyclidine. ~~Trade or other names include,~~ also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, and PHP-;

~~(ee)~~(ii) thiophene analog of phencyclidine. ~~Trade or other names include,~~ also known as 1-[1-(2-thienyl)-cyclohexyl]-piperidine, ~~2-thienyl analog~~ 2-thienyl analog of phencyclidine, TPCP, and TCP-;

~~(ff)~~(jj) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine. ~~A trade or other name is,~~ also known as TCPy;

~~(gg)~~(kk) synthetic cannabinoids, including:

(i) unless specifically excepted or listed in another schedule, any chemical compound chemically synthesized from or structurally similar to any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, or any of those groups that contain synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogs in the following groups:

(A) naphthoylindoles, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(B) naphthylmethyloindoles, whether or not substituted in the indole ring to any extent or the naphthyl ring to any extent;

(C) naphthoylpyrroles, whether or not substituted in the pyrrole ring to any extent or the naphthyl ring to any extent;

(D) naphthylmethyloindenes, whether or not substituted in the indene ring to any extent or the naphthyl ring to any extent;

(E) acetyloindoles, whether or not substituted in the indole ring to any extent or the acetyl group to any extent;

(F) cyclohexylphenols, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring to any extent;

(G) dibenzopyrans, whether or not substituted in the cyclohexyl ring to any extent or the phenyl ring to any extent; and

(H) benzoyloindoles, whether or not substituted in the indole ring to any extent or the phenyl ring to any extent;

(ii) any compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors or is a chemical analog or isomer of a compound that has been demonstrated to have agonist binding activity at one or more cannabinoid receptors;

~~(h)~~(iii) 1-pentyl-3-(1-naphthoyl)indole (also known as JWH-018);

~~(i)~~(iv) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-

tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

~~(iii)~~(v) 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47,497), and the dimethylhexyl, dimethyloctyl, and dimethylnonyl homologues of CP-47,497;

~~(iv)~~(vi) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073);

~~(v)~~(vii) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);

~~(vi)~~(viii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);

~~(vii)~~(ix) 1-hexyl-3-(1-naphthoyl)indole (also known as JWH-019);

~~(viii)~~(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);

~~(ix)~~(xi) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;

~~(x)~~(xii) the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives:

(A) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (also known as WIN-55,212-2);

(B) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (also known as HU-243); or

(C) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy- 5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;

~~———(xi) any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;~~

~~———(xii) any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent;~~

~~———(xiii) any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any~~

extent;

~~_____ (xiv) any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent;~~

or

~~_____ (xv) any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, or 2-(4-morpholinyl)ethyl, whether or not substituted in the cyclohexyl ring to any extent;~~

~~(hh)(ll) Salvia divinorum; also known as Salvinorin salvinorin A (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(3-furanyl)dodecylhydr o-6a,10b-dimethyl-4, 10-dioxo-2H-naphtho[2,1-c] pyran-7-carboxylic acid methyl ester;~~

~~(mm) substituted cathinones, including any compound, except bupropion or compounds listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:~~

~~(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;~~

~~(ii) by substitution at the 3-position with an alkyl substituent;~~

~~(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure; and~~

~~(iv) any lengthening of the propanone chain between carbons 1 and 2 to any extent with alkyl groups, whether further substituted or not;~~

~~(nn) any compound not listed in this code, in an administrative rule regulating controlled substances, or approved for use by the United States food and drug administration that is structurally derived from 2-amino-1-phenyl-1-propane by modification in any of the following ways:~~

~~(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;~~

~~(ii) by substitution at the 3-position with an alkyl substituent;~~

~~(iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure; and~~

(iv) any lengthening of the propane chain between carbons 1 and 2 to any extent with alkyl groups, whether further substituted or not.

(5) (a) For the purposes of subsection (4), the term "isomer" includes the optical, ~~position~~ positional, and geometric isomers.

(b) Subsection ~~(4)(gg)~~ (4)(kk) does not apply to synthetic cannabinoids approved by the ~~U.S.~~ United States food and drug administration and obtained by a lawful prescription through a licensed pharmacy. The department of public health and human services shall adopt a rule listing the approved cannabinoids and shall update the rule as necessary to keep the list current.

(6) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including 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) gamma-hydroxybutyric acid, also known as gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, sodium oxybutyrate, and GHB;

~~(a)~~(b) mecloqualone; and

~~(b)~~(c) methaqualone.

(7) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(a) aminorex. ~~Trade or other names include,~~ also known as aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-phenyl-2-oxazolamine;:

(b) cathinone. ~~Trade or other names include,~~ also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;:

(c) fenethylamine;

(d) methcathinone. ~~Trade or other names include,~~ also known as 2-(methylamino)-propionophenone, alpha-(methylamino)propionophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers;:

(e) 4-Methylaminorex (cis isomer), also known as U4Euh, McN-422;

~~(e)~~(f) (levo-dextro) cis-4-methylaminorex, also known as (levo-dextro) cis-4, 5-dihydro-4-methyl-5-phenyl-2-oxazolamine;

(g) N-benzylpiperazine, also known as 1-benzylpiperazine or BZP;

~~(f)~~(h) N-ethylamphetamine; and

~~(g)~~(i) N,N-dimethylamphetamine, also known as N,N-alpha-trimethyl-benzeneethamine benzeneethanamine and N,N-alpha-trimethylphenethylamine.

(8) Substances subject to emergency scheduling. Any material, compound, mixture, or preparation that contains any quantity of the following substances is included in this category:

(a) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts, and salts of isomers); and

(b) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts, and salts of isomers).

(9) If prescription or administration is authorized by the Federal Food, Drug and Cosmetic Act, then any material, compound, mixture, or preparation containing tetrahydrocannabinols listed in subsection (4) must automatically be rescheduled from Schedule I to Schedule II.

(10) Dangerous drug analogues. Unless specifically excepted or listed in another schedule, this designation includes any material, compound, mixture, or preparation defined in 50-32-101 as a dangerous drug analogue."

Section 7. Section 50-32-224, MCA, is amended to read:

"50-32-224. Specific dangerous drugs included in Schedule II. Schedule II consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are included in this category:

(a) opium and opiate and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmeferene, naloxone, and naltrexone and their respective salts, but including the following:

- (i) raw opium;
- (ii) opium extracts;
- (iii) opium fluid;
- (iv) powdered opium;
- (v) granulated opium;
- (vi) tincture of opium;
- (vii) codeine;
- (viii) dihydroetorphine;
- ~~(viii)~~(ix) ethylmorphine;
- ~~(ix)~~(x) etorphine hydrochloride;
- ~~(x)~~(xi) hydrocodone;
- ~~(xi)~~(xii) hydromorphone;
- ~~(xii)~~(xiii) metopon;
- ~~(xiii)~~(xiv) morphine;
- (xv) oripavine;
- ~~(xiv)~~(xvi) oxycodone;
- ~~(xv)~~(xvii) oxymorphone; and
- ~~(xvi)~~(xviii) thebaine;

(b) any salt, compound, derivative, or preparation of them that is chemically equivalent or identical with any of the substances referred to in subsection (1)(a), except that these substances do not include 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 of them that is chemically equivalent or identical with any of these substances, except that these substances do not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

(e) concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form that contains the phenanthrene alkaloids of the opium poppy.

(2) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including 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, dextrorphan 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-alpha-acetylmethadol; ~~Other names include,~~ also known as levo-alpha-acetylmethadol, levomethadyl acetate, and 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) piminodine;
- (x) racemethorphan;

(y) racemorphan; ~~and~~

(z) remifentanyl;

~~(z)~~(aa) sufentanyl; and

(bb) tapentadol.

(3) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system:

(a) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(b) phenmetrazine and its salts;

(c) lisdexamfetamine, its salts, isomers, and salts of its isomers;

~~(c)~~(d) methamphetamine, its salts, isomers, and salts of its isomers; and

~~(d)~~(e) methylphenidate.

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

(b) glutethimide;

(c) pentobarbital;

(d) phencyclidine; and

(e) secobarbital.

(5) Hallucinogenic substances include the following:

(a) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a ~~federal~~ United States food and drug administration-approved drug product. ~~Other names for dronabinol include (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d]pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol, also known as (6-alpha-R-trans)-6-alpha,7,8,10-alpha-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b, d]pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol;~~

(b) nabilone. ~~Another name for nabilone is (levo-dextro)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b, d]pyran-9-one, also known as (levo-dextro)-trans-3-(1,~~

1-dimethylheptyl)-6,6-alpha,7,8,10,10-alpha-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b, d] pyran-9-one.

(6) Immediate precursors. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is an immediate precursor:

(a) 4-Anilino-N-phenethyl-4-piperidine (ANPP);

~~(a)(b)~~ phenylacetone, an immediate precursor to amphetamine and methamphetamine. ~~Trade or other names for phenylacetone include,~~ also known as phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone; and

~~(b)(c)~~ 1-phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile (PCC), immediate precursors to phencyclidine (PCP)."

Section 8. Section 50-32-226, MCA, is amended to read:

"50-32-226. Specific dangerous drugs included in Schedule III. Schedule III consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including salts, isomers (whether optical, position, or geometric), and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) benzphetamine;
- (b) chlorphentermine;
- (c) clortermine; and
- (d) phendimetrazine.

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

(a) any compound, mixture, or preparation containing amobarbital, secobarbital, or pentobarbital or any salt of any of these drugs and one or more other active medicinal ingredients that are not listed in any schedule;

(b) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of these drugs approved by the ~~federal~~ United States 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 barbituric acid;

(d) aprobarbital;

(e) butabarbital, also known as secbutabarbital;

(f) butalbital;

(g) butobarbital, also known as butethal;

~~(d)~~(h) chlorhexadol;

(i) embutramide;

(j) gamma hydroxybutyric acid preparations;

(k) ketamine, its salts, isomers, and salts of its isomers, also known as (\pm) -2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;

~~(e)~~(l) lysergic acid;

~~(f)~~(m) lysergic acid amide;

~~(g)~~(n) methyprylon;

~~(h)~~(o) sulfondiethylmethane;

~~(i)~~(p) sulfonethylmethane;

~~(j)~~(q) sulfonmethane; and

(r) talbutal;

~~(k)~~(s) tiletamine and zolazepam or any of their salts. A trade or other name for a tiletamine-zolazepam combination product is telazol. A trade or other name for tiletamine is 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. A trade or other name for zolazepam is 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon.

(t) thiamylal;

(u) thiopental; and

(v) vinbarbital.

(3) Nalorphine.

(4) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound,

mixture, or preparation containing any of the following is a narcotic drug, including its salts calculated as the free anhydrous base or alkaloid in the following limited quantities:

(a) 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;

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

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

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

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

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

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

(h) 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; or

(i) any material, compound, mixture, or preparation containing buprenorphine.

(5) Anabolic steroids. 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. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances is an anabolic steroid, including salts, isomers, and salts of isomers whenever the existence of those salts of isomers is possible within the specific chemical designation:

(a) androstenedione, also known as 5-alpha-androstan-3,17-dione;

(b) 1-androstenediol, also known as 3-beta,17-beta-dihydroxy-5-alpha-androst-1-ene; or 3-alpha,17-beta-dihydroxy-5-alpha-androst-1-ene;

- (c) 1-androstenedione, also known as 5-alpha-androst-1-en-3,17-dione;
- (d) 3-alpha,17-beta-dihydroxy-5-alpha-androstane;
- (e) 3-beta,17-beta-dihydroxy-5-alpha-androstane;
- (f) 4-androstenediol, also known as 3-beta,17-beta-dihydroxy-androst-4-ene;
- (g) 4-androstenedione, also known as androst-4-en-3,17-dione;
- (h) 4-dihydrotestosterone, also known as 17-beta-hydroxyandrost-3-one;
- (i) 4-hydroxy-19-nortestosterone, also known as 4,17-beta-dihydroxy-estr-4-en-3-one;
- (j) 4-hydroxytestosterone, 4,17-beta-dihydroxy-androst-4-en-3-one;
- (k) 5-androstenediol, also known as 3-beta,17-beta-dihydroxy-androst-5-ene;
- (l) 5-androstenedione, also known as androst-5-en-3,17-dione;
- (m) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- (n) 17-alpha-methyl-3-alpha, 17-beta-dihydroxy-5-alpha-androstane;
- (o) 17-alpha-methyl-3-beta, 17-beta-dihydroxy-5-alpha-androstane;
- (p) 17-alpha-methyl-3-beta, 17-beta-dihydroxyandrost-4-ene;
- (q) 17-alpha-methyl-4-hydroxynandrolone, also known as 17-alpha-methyl-4-hydroxy-17-beta-hydroxyestr-4-en-3-one;
- (r) 17-alpha-methyl-delta, 1-dihydrotestosterone, also known as 17-beta-hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one, 17-alpha-methyl-1 testosterone;
- (s) 19-nor-4-androstenediol, also known as 3-beta-17-beta-dihydroxyestr-4-ene; or 3-alpha-17-beta-dihydroxyestr-4-ene;
- (t) 19-nor-4-androstenedione, also known as estr-4-en-3,17-dione;
- (u) 19-nor-5-androstenediol, also known as 3-beta,17-beta-dihydroxyestr-5-ene; or 3-alpha,17-beta-dihydroxyestr-5-ene;
- (v) 19-nor-5-androstenedione, also known as estr-5-en-3,17-dione;
- (w) calusterone, also known as 7-beta, 17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
- (x) 19-Nor-4,9(10)-androstadienedione, also known as estra-4,9(10)-diene-3,17-dione;
- (y) bolasterone, also known as (7-alpha-dimethyl)-17-beta-hydroxyandrost-4-ene-3-one;
- (~~a~~)(z) boldenone, also known as 17-beta-hydroxyandrost-1,4,-diene-3-one;
- (aa) boldione, also known as androsta-1,4-diene-3,17-dione;

~~(b)~~(bb) chlorotestosterone, also known as 4-chlorotestosterone;

~~(c)~~(cc) clostebol;

~~(d)~~(dd) delta-1-dihydrotestosterone, also known as (17-beta-hydroxy-5-alpha-androst-1-en-3-one), 1-testosterone;

~~(e)~~(ee) dehydrochloromethyltestosterone, also known as 4-chloro-17-beta-hydroxy-17-alpha-methylandrost-1,4-dien-3-one;

~~(f)~~(ff) desoxymethyltestosterone, also known as 17-alpha-methyl-5-alpha-androst-2-en-17-beta-ol;

~~(g)~~(gg) dihydrochloromethyltestosterone;

~~(h)~~(hh) dihydrotestosterone, also known as 4-dihydrotestosterone;

~~(i)~~(ii) drostanolone, also known as 17-beta-hydroxy-2-alpha-methyl-5-alpha-androstan-3-one;

~~(j)~~(jj) ethylestrenol, also known as 17-alpha-ethyl-17-beta-hydroxyestr-4-ene;

~~(k)~~(kk) fluoxymesterone, also known as 9-fluoro-17-alpha-methyl-11-beta, 17-beta-dihydroxyandrost-4-en-3-one;

~~(l)~~(ll) formebulone, also known as 2-formyl-17-alpha-methyl-11-alpha,17-beta-dihydroxyandrost-1,4-dien-3-one or formebolone;

~~(m)~~(mm) furazabol, also known as 17-alpha-methyl-17-beta-hydroxyandrostano-[2,3-c]-furazan;

~~(n)~~(nn) mestanolone, also known as 17-alpha-methyl-17-beta-hydroxy-5-alpha-androstan-3-one;

~~(o)~~(oo) mesterolone, also known as 1-alpha-methyl-17-beta-hydroxy-(5-alpha)-androstan-3-one;

~~(p)~~(pp) methandienone, also known as 17-alpha-methyl-17-beta-hydroxyandrost-1,4-diene-3-one;

~~(q)~~(qq) methandranone;

~~(r)~~(rr) methandriol, also known as 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-one;

~~(s)~~(ss) methandrostenolone, also known as (17-beta)-17-hydroxy-17-methylandrosta-1,4-dien-3-one;

~~(t)~~(tt) methenolone, also known as 1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-one;

~~(u)~~(uu) methyldienolone, also known as 17-alpha-methyl-17-beta-hydroxyestra-4,9-(10)-dien-3-one;

~~(v)~~(vv) methyltestosterone, also known as 17-alpha-methyl-17-beta-hydroxyandrost-4-en-3-one;

~~(w)~~(ww) methyltrienolone, also known as 17-alpha-methyl-17-beta-hydroxyestra-4,9,11-trien-3-one;

~~(x)~~(xx) mibolerone, also known as 17-alpha,17-alpha-dimethyl-17-beta-hydroxyestr-4-en-3-one;

~~(y)~~(yy) nandrolone, also known as 17-beta-hydroxyestr-4-en-3-one;

~~(z)~~(zz) norbolethone, also known as 13-beta,17-alpha-diethyl-17-beta-hydroxygon-4-en-3-one;

- (aaa) norclostebol, also known as 4-chloro-17-beta-hydroxyestr-4-en-3-one;
~~(s)~~(bbb) norethandrolone, also known as 17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-one;
 (ccc) normethandrolone, also known as 17-alpha-methyl-17-beta-hydroxyestr-4-en-3-one;
~~(t)~~(ddd) oxandrolone, also known as 17-alpha-methyl-17-beta-hydroxy-2-oxa-(5-alpha)-androst-3-one;
~~(u)~~(eee) oxymestron, also known as 17-alpha-methyl-4,17-beta-dihydroxyandrost-4-en-3-one;
~~(v)~~(fff) oxymetholone, also known as 17-alpha-methyl-2-hydroxymethylene-17-beta-hydroxy-(5-alpha)-androst-3-one;
~~(w)~~(ggg) stanolone;
~~(x)~~(hhh) stanozolol, also known as 17-alpha-methyl-17-beta-hydroxy-(5-alpha)-androst-2-eno-(3,2-c)-pyrazole;
 (iii) stenbolone, also known as 17-beta-hydroxy-2-methyl-5-alpha-androst-1-en-3-one;
 (jii) talbutal, also known as 5-(1-methylpropyl)-5-(2-propenyl)-2,4,6(1H,3H,5H)-pyrimidinetrione;
~~(y)~~(kkk) testolactone, also known as 13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone;
~~(z)~~(lll) testosterone, also known as 17-beta-hydroxyandrost-4-en-3-one; or
~~(aa)~~(mmm) trenbolone, also known as 17-beta-hydroxyestr-4,9,11-trien-3-one; or
 (nnn) tetrahydrogestrinone, also known as 13-beta,17-alpha-diethyl-17-beta-hydroxygon-4,9,11-trien-3-one."

Section 9. Section 50-32-229, MCA, is amended to read:

"50-32-229. Specific dangerous drugs included in Schedule IV. Schedule IV consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic is a drug, including its salts calculated as the free anhydrous base or alkaloid in the following limited quantities:

(a) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit; and

(b) butorphanol;

~~(b)~~(c) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);

(d) difenoxin 1mg/25ug AtSO4/du; and

(e) pentazocine.

(2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant, including 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) camazepam;

(e) chloral betaine;

(f) chloral hydrate;

(g) chlordiazepoxide;

(h) clobazam;

(i) clonazepam;

(j) clorazepate;

(k) clotiazepam;

(l) cloxazolam;

(m) delorazepam;

(n) diazepam;

(o) dichloralphenazone;

~~(p)~~(p) estazolam;

~~(q)~~(q) ethchlorvynol;

~~(r)~~(r) ethinamate;

~~(s)~~(s) ethyl loflazepate;

~~(t)~~(t) fludiazepam;

~~(u)~~(u) flunitrazepam;

~~(v)~~(v) flurazepam;

(w) fospropofol, also known as lusedra;

~~(v)~~(x) halazepam;
~~(w)~~(y) haloxazolam;
~~(x)~~(z) ketazolam;
~~(y)~~(aa) loprazolam;
~~(z)~~(bb) lorazepam;
~~(aa)~~(cc) lormetazepam;
~~(bb)~~(dd) mebutamate;
~~(cc)~~(ee) medazepam;
~~(dd)~~(ff) meprobamate;
~~(ee)~~(gg) methohexital;
~~(ff)~~(hh) methylphenobarbital, also known as mephobarbital;
~~(gg)~~(ii) midazolam;
~~(hh)~~(jj) nimetazepam;
~~(ii)~~(kk) nitrazepam;
~~(jj)~~(ll) nordiazepam;
~~(kk)~~(mm) oxazepam;
~~(ll)~~(nn) oxazolam;
~~(mm)~~(oo) paraldehyde;
~~(nn)~~(pp) petrichloral;
~~(oo)~~(qq) phenobarbital;
~~(pp)~~(rr) pinazepam;
~~(qq)~~(ss) prazepam;
~~(rr)~~(tt) quazepam;
~~(ss)~~(uu) temazepam;
~~(tt)~~(vv) tetrazepam;
~~(uu)~~(ww) triazolam; and
(xx) zaleplon;
~~(vv)~~(yy) zolpidem; and
(zz) zopiclone.

(3) Fenfluramine. Any material, compound, mixture, or preparation that contains any quantity of fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible.

(4) Stimulants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (a) cathine, also known as (+)-norpseudoephedrine;
 - (b) diethylpropion;
 - (c) fencamfamin;
 - (d) fenproporex;
 - (e) mazindol;
 - (f) mefenorex;
 - (g) modanfinil;
 - ~~(g)~~(h) pemoline, including organometallic complexes and chelates thereof;
 - ~~(h)~~(i) phentermine;
 - ~~(i)~~(j) pipradrol; and
 - (k) sibutramine; and
 - ~~(j)~~(l) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- (5) Ephedrine.

(a) Except as provided in subsection (5)(b), any material, compound, mixture, or preparation that contains any quantity of ephedrine having a stimulant effect on the central nervous system, including its salts, enantiomers (optical isomers), and salts of enantiomers (optical isomers) when ephedrine is the only active medicinal ingredient or is used in combination with therapeutically insignificant quantities of another active medicinal ingredient.

(b) Ephedrine does not include materials, compounds, mixtures, or preparations labeled in compliance with the Dietary Supplement Health and Education Act of 1994, 21 U.S.C. 321, et seq., that contain only natural ephedra alkaloids or extracts of natural ephedra alkaloids.

(c) Ephedrine may be immediately accessible for use by a licensed physician in a patient care area if it is under the physician's direct supervision.

(6) Other substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of ~~pentazocine~~ carisoprodol, including its salts, isomers, and salts of isomers."

Section 10. Section 50-32-232, MCA, is amended to read:

"50-32-232. Specific dangerous drugs included in Schedule V. Schedule V consists of the drugs and other substances, by whatever official, common, usual, chemical, or brand name designated, listed in this section.

(1) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections (1)(a) through (1)(f), which include 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; and
- (f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of pyrovalerone is a stimulant having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers.

(3) 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 is a depressant having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (a) lacosamide, also known as (R)-2-acetoamido-N-benzyl-3-methoxy-propionamide or vimpat; and
- (b) pregabalin, also known as (S)-3-(aminomethyl)-5-methylhexanoic acid or Lyrica."

Section 11. Section 50-32-314, MCA, is amended to read:

"50-32-314. Board to adopt rules for registration of outpatient center for surgical services. (1) The board shall adopt rules to provide for the registration of any outpatient center for surgical services pursuant to this part. The rules must categorize the outpatient center for surgical services as a "distributor" pursuant to 50-32-101~~(42)~~(13) or other category of registrant as determined by the board.

(2) If the board determines that an outpatient center for surgical services requires the services of a pharmacist in order to be registered, the board shall allow that center to use the services of a consulting pharmacist to satisfy the obligation imposed by the board.

(3) This section does not affect any existing registration requirement pursuant to this part for persons providing dangerous drugs to an outpatient center for surgical services or persons administering dangerous drugs within or as the result of procedures performed at an outpatient center for surgical services."

- END -

I hereby certify that the within bill,
HB 0140, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2013.

President of the Senate

Signed this _____ day
of _____, 2013.

HOUSE BILL NO. 140
INTRODUCED BY T. BERRY
BY REQUEST OF THE DEPARTMENT OF JUSTICE

AN ACT GENERALLY REVISING LAWS RELATING TO CONTROLLED SUBSTANCES; DEFINING "DANGEROUS DRUG ANALOGUES"; LISTING DANGEROUS DRUG ANALOGUES AS SCHEDULE I DANGEROUS DRUGS; REVISING PROVISIONS RELATED TO SYNTHETIC CANNABINOIDS; LISTING SUBSTITUTED CATHINONES, ALSO KNOWN AS BATH SALTS, AS SCHEDULE I DANGEROUS DRUGS; LISTING HASHISH AS A SCHEDULE I DANGEROUS DRUG; LISTING VARIOUS SUBSTANCES AS DANGEROUS DRUGS; AND AMENDING SECTIONS 45-9-101, 45-9-102, 45-9-103, 45-9-110, 50-32-101, 50-32-222, 50-32-224, 50-32-226, 50-32-229, 50-32-232, AND 50-32-314, MCA.