

REFERENCE TITLE: **dangerous drugs; narcotic drugs; definitions**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2228

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTIONS 13-3401, 13-3404, 13-3404.01 AND 15-712, ARIZONA REVISED STATUTES; RELATING TO DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3401, Arizona Revised Statutes, is amended to
3 read:

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means to apply, inject or facilitate the inhalation or
7 ingestion of a substance to the body of a person.

8 2. "Amidone" means any substance identified chemically as
9 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by
10 whatever trade name designated.

11 3. "Board" means the Arizona state board of pharmacy.

12 4. "Cannabis" means the following substances under whatever names they
13 may be designated:

14 (a) The resin extracted from any part of a plant of the genus
15 cannabis, and every compound, manufacture, salt, derivative, mixture or
16 preparation of such plant, its seeds or its resin. Cannabis does not include
17 oil or cake made from the seeds of such plant, any fiber, compound,
18 manufacture, salt, derivative, mixture or preparation of the mature stalks of
19 such plant except the resin extracted from the stalks or any fiber, oil or
20 cake or the sterilized seed of such plant which is incapable of germination.

21 (b) Every compound, manufacture, salt, derivative, mixture or
22 preparation of such resin or tetrahydrocannabinol.

23 5. "Coca leaves" means cocaine, its optical isomers and any compound,
24 manufacture, salt, derivative, mixture or preparation of coca leaves, except
25 derivatives of coca leaves which do not contain cocaine, ecgonine or
26 substances from which cocaine or ecgonine may be synthesized or made.

27 6. "Dangerous drug" means the following by whatever official, common,
28 usual, chemical or trade name designated:

29 (a) Any material, compound, mixture or preparation which contains any
30 quantity of the following hallucinogenic substances and their salts, isomers
31 and salts of isomers, unless specifically excepted, whenever the existence of
32 such salts, isomers and salts of isomers is possible within the specific
33 chemical designation:

34 (i) Alpha-ethyltryptamine.

35 ~~(ii) Aminorex.~~

36 (ii) ALPHA-METHYLTRYPTAMINE.

37 (iii) 4-bromo-2, 5-dimethoxyphenethylamine.

38 (iv) 4-bromo-2, 5-dimethoxyamphetamine.

39 (v) Bufotenine.

40 (vi) Diethyltryptamine.

41 (vii) 2, 5-dimethoxyamphetamine.

42 (viii) 2, 5-DIMETHOXY-4-ETHYLAMPHETAMINE.

43 (ix) 2, 5- DIMETHOXY-4-(N)-PROPYLTHIOPHENETHYLAMINE (2C-T-7).

44 ~~(viii)~~ (x) Dimethyltryptamine.

45 ~~(ix)~~ (xi) 5-methoxy-3, 4-methylenedioxyamphetamine.

- 1 ~~(x)~~ (xii) 4-methyl-2, 5-dimethoxyamphetamine.
- 2 ~~(xi)~~ (xiii) Ibogaine.
- 3 ~~(xii)~~ (xiv) Lysergic acid amide.
- 4 ~~(xiii)~~ (xv) Lysergic acid diethylamide.
- 5 ~~(xiv)~~ (xvi) Mescaline.
- 6 (xvii) 5-METHOXY-N, N-DIISOPROPYLTRYPTAMINE.
- 7 ~~(xv)~~ (xviii) 4-methoxyamphetamine.
- 8 ~~(xvi)~~ (xix) Methoxymethylenedioxyamphetamine (MMDA).
- 9 ~~(xvii)~~ (xx) Methylenedioxyamphetamine (MDA).
- 10 ~~(xviii)~~ (xxi) 3, 4-methylenedioxyamphetamine.
- 11 ~~(xix)~~ (xxii) 3, 4-methylenedioxy-N-ethylamphetamine
- 12 ~~(xx)~~ (xxiii) N-ethyl-3-piperidyl benzilate (JB-318).
- 13 ~~(xxi)~~ (xxiv) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 14 ~~(xxii)~~ (xxv) N-methyl-3-piperidyl benzilate (JB-336).
- 15 ~~(xxiii)~~ (xxvi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 16 ~~(xxiv)~~ (xxvii) Nabilone.
- 17 ~~(xxv)~~ (xxviii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 18 ~~(xxvi)~~ (xxix) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 19 ~~(xxvii)~~ (xxx) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 20 ~~(xxviii)~~ (xxxi) Para-methoxyamphetamine (PMA).
- 21 ~~(xxix)~~ (xxxii) Psilocybin.
- 22 ~~(xxx)~~ (xxxiii) Psilocyn.
- 23 ~~(xxxi)~~ (xxxiv) Synhexyl.
- 24 ~~(xxxii)~~ (xxxv) Trimethoxyamphetamine (TMA).

25 (b) Any material, compound, mixture or preparation which contains any
 26 quantity of the following substances and their salts, optical isomers, and
 27 salts of optical isomers having a potential for abuse associated with a
 28 stimulant effect on the central nervous system:

- 29 (i) AMINOREX.
- 30 ~~(i)~~ (ii) Amphetamine.
- 31 ~~(ii)~~ (iii) Benzphetamine.
- 32 ~~(iii)~~ ~~Butorphanol.~~
- 33 (iv) Cathine ((+)-norpseudoephedrine).
- 34 (v) CATHINONE.
- 35 ~~(v)~~ (vi) Chlorphentermine.
- 36 ~~(vi)~~ (vii) Clortermine.
- 37 ~~(vii)~~ (viii) Diethylpropion.
- 38 ~~(viii)~~ (ix) Fencamfamin.
- 39 ~~(ix)~~ (x) Fenethylamine.
- 40 ~~(x)~~ (xi) Fenproporex.
- 41 ~~(xi)~~ (xii) Mazindol.
- 42 ~~(xii)~~ (xiii) Mefenorex.
- 43 ~~(xiii)~~ (xiv) Methamphetamine.
- 44 ~~(xiv)~~ (xv) Methcathinone.
- 45 ~~(xv)~~ (xvi) 4-methylaminorex.

- 1 ~~(xvi)~~ (xvii) Methylphenidate.
- 2 ~~(xvii)~~ (xviii) Modafinil.
- 3 (xix) N-BENZYLPIPERAZINE.
- 4 ~~(xviii)~~ (xx) N-ethylamphetamine.
- 5 ~~(xix)~~ (xxi) N, N-dimethylamphetamine.
- 6 ~~(xx)~~ (xxii) Pemoline.
- 7 ~~(xxi)~~ (xxiii) Phendimetrazine.
- 8 ~~(xxii)~~ (xxiv) Phenmetrazine.
- 9 ~~(xxiii)~~ (xxv) Phentermine.
- 10 ~~(xxiv)~~ (xxvi) ~~Piprado~~ PIPRADROL.
- 11 ~~(xxv) — Propylhexedrine—~~
- 12 ~~(xxvi)~~ (xxvii) Pyrovalerone.
- 13 ~~(xxvii)~~ (xxviii) Sibutramine.
- 14 ~~(xxviii)~~ (xxix) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 15 (c) Any material, compound, mixture or preparation which contains any
- 16 quantity of the following substances **AND THEIR SALTS** having a potential for
- 17 abuse associated with a depressant effect on the central nervous system:
- 18 (i) Any substance which contains any quantity of a derivative of
- 19 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 20 specifically excepted.
- 21 (ii) Alprazolam.
- 22 (iii) Bromazepam.
- 23 (iv) Camazepam.
- 24 (v) Carisoprodol.
- 25 (vi) Chloral betaine.
- 26 (vii) Chloral hydrate.
- 27 (viii) Chlordiazepoxide.
- 28 (ix) Chlorhexadol.
- 29 (x) Clobazam.
- 30 (xi) Clonazepam.
- 31 (xii) Clorazepate.
- 32 (xiii) Clotiazepam.
- 33 (xiv) Cloxazolam.
- 34 (xv) Delorazepam.
- 35 (xvi) Diazepam.
- 36 (xvii) Dichloralphenazone.
- 37 (xviii) Estazolam.
- 38 (xix) Ethchlorvynol.
- 39 (xx) Ethinamate.
- 40 (xxi) Ethyl loflazepate.
- 41 (xxii) Fenfluramine.
- 42 (xxiii) Fludiazepam.
- 43 (xxiv) Flunitrazepam.
- 44 (xxv) Flurazepam.
- 45 (xxvi) Gamma hydroxy butyrate.

- 1 ~~(xxvii)~~ **GAMMA-HYDROXYVALERATE (GHV).**
- 2 ~~(xxviii)~~ (xxviii) Glutethimide.
- 3 ~~(xxviiii)~~ (xxix) Halazepam.
- 4 ~~(xxix)~~ (xxx) Haloxazolam.
- 5 ~~(xxx)~~ (xxxi) Ketamine.
- 6 ~~(xxxii)~~ (xxxii) Ketazolam.
- 7 ~~(xxxiii)~~ (xxxiii) Loprazolam.
- 8 ~~(xxxiiii)~~ (xxxiv) Lorazepam.
- 9 ~~(xxxiv)~~ (xxxv) Lormetazepam.
- 10 ~~(xxxv)~~ (xxxvi) Lysergic acid.
- 11 ~~(xxxvi)~~ (xxxvii) Mebutamate.
- 12 ~~(xxxvii)~~ (xxxviii) Mecloqualone.
- 13 ~~(xxxviii)~~ (xxxix) Medazepam.
- 14 ~~(xxxix)~~ (xl) Meprobamate.
- 15 ~~(xl)~~ (xli) Methaqualone.
- 16 ~~(xli)~~ (xlii) Methohexital.
- 17 ~~(xlii)~~ (xliii) Methyprylon.
- 18 ~~(xliiii)~~ (xliv) Midazolam.
- 19 ~~(xliv)~~ (xlv) Nimetazepam.
- 20 ~~(xlv)~~ (xlvi) Nitrazepam.
- 21 ~~(xlv)~~ (xlvii) Nordiazepam.
- 22 ~~(xlvii)~~ (xlviii) Oxazepam.
- 23 ~~(xlviii)~~ (xlix) Oxazolam.
- 24 ~~(xlix)~~ (l) Paraldehyde.
- 25 ~~(l)~~ (li) Petrichloral.
- 26 ~~(li)~~ (lii) Phencyclidine.
- 27 ~~(lii)~~ (liii) Pinazepam.
- 28 ~~(liii)~~ (liv) Prazepam.
- 29 ~~(liv)~~ (lv) Scopolamine.
- 30 ~~(lv)~~ (lvi) Sulfondiethylmethane.
- 31 ~~(lvi)~~ (lvii) Sulfonethylmethane.
- 32 ~~(lvii)~~ (lviii) Sulfonmethane.
- 33 ~~(lviii)~~ (lix) Quazepam.
- 34 ~~(lix)~~ (lx) Temazepam.
- 35 ~~(lx)~~ (lxi) Tetrazepam.
- 36 ~~(lxi)~~ (lxii) Tiletamine.
- 37 ~~(lxii)~~ (lxiii) Triazolam.
- 38 ~~(lxiii)~~ (lxiv) Zaleplon.
- 39 ~~(lxiv)~~ (lxv) Zolazepam.
- 40 ~~(lxv)~~ (lxvi) Zolpidem.

- 41 (d) Any material, compound, mixture or preparation which contains any
- 42 quantity of the following anabolic steroids and their salts, isomers or
- 43 esters:
- 44 (i) Boldenone.
- 45 (ii) Clostebol (4-chlorotestosterone).

- 1 (iii) Dehydrochloromethyltestosterone.
- 2 (iv) Drostanolone.
- 3 (v) Ethylestrenol.
- 4 (vi) Fluoxymesterone.
- 5 (vii) Formebolone (formebolone).
- 6 (viii) Mesterolone.
- 7 (ix) Methandriol.
- 8 (x) Methandrostenolone (methandienone).
- 9 (xi) Methenolone.
- 10 (xii) Methyltestosterone.
- 11 (xiii) Mibolerone.
- 12 (xiv) Nandrolone.
- 13 (xv) Norethandrolon.
- 14 (xvi) Oxandrolone.
- 15 (xvii) Oxymesterone.
- 16 (xviii) Oxymetholone.
- 17 (xix) Stanolone (4-dihydrotestosterone).
- 18 (xx) Stanozolol.
- 19 (xxi) Testolactone.
- 20 (xxii) Testosterone.
- 21 (xxiii) Trenbolone.

22 7. "Deliver" means the actual, constructive or attempted exchange from
23 one person to another, whether or not there is an agency relationship.

24 8. "Director" means the director of the department of health services.

25 9. "Dispense" means distribute, leave with, give away, dispose of or
26 deliver.

27 10. "Drug court program" means a program that is established pursuant
28 to section 13-3422 by the presiding judge of the superior court in
29 cooperation with the county attorney in a county for the purpose of
30 prosecuting, adjudicating and treating drug dependent persons who meet the
31 criteria and guidelines for entry into the program that are developed and
32 agreed on by the presiding judge and the prosecutor.

33 11. "Drug dependent person" means a person who is using a substance
34 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in
35 a state of psychological or physical dependence, or both, arising from the
36 use of that substance.

37 12. "Federal act" has the same meaning prescribed in section 32-1901.

38 13. "Isoamidone" means any substance identified chemically as
39 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
40 substance, by whatever trade name designated.

41 14. "Isonipecaïne" means any substance identified chemically as
42 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
43 such substance, by whatever trade name designated.

1 15. "Ketobemidone" means any substance identified chemically as
2 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
3 salt of such substance, by whatever trade name designated.

4 16. "Licensed" or "permitted" means authorized by the laws of this
5 state to do certain things.

6 17. "Manufacture" means produce, prepare, propagate, compound, mix or
7 process, directly or indirectly, by extraction from substances of natural
8 origin or independently by means of chemical synthesis, or by a combination
9 of extraction and chemical synthesis. Manufacture includes any packaging or
10 repackaging or labeling or relabeling of containers. Manufacture does not
11 include any producing, preparing, propagating, compounding, mixing,
12 processing, packaging or labeling done in conformity with applicable state
13 and local laws and rules by a licensed practitioner incident to and in the
14 course of his licensed practice.

15 18. "Manufacturer" means a person who manufactures a narcotic or
16 dangerous drug or other substance controlled by this chapter.

17 19. "Marijuana" means all parts of any plant of the genus cannabis,
18 from which the resin has not been extracted, whether growing or not, and the
19 seeds of such plant. Marijuana does not include the mature stalks of such
20 plant or the sterilized seed of such plant which is incapable of germination.

21 20. "Narcotic drugs" means the following **SUBSTANCES AND THEIR SALTS**,
22 whether of natural or synthetic origin and any substance neither chemically
23 nor physically distinguishable from them:

- 24 (a) Acetyl-alpha-methylfentanyl.
- 25 (b) Acetylmethadol.
- 26 (c) Alfentanil.
- 27 (d) Allylprodine.
- 28 (e) Alphacetylmethadol.
- 29 (f) Alphameprodine.
- 30 (g) Alphamethadol.
- 31 (h) Alpha-methylfentanyl.
- 32 (i) Alpha-methylthiofentanyl.
- 33 (j) Alphaprodine.
- 34 (k) Amidone (methadone).
- 35 (l) Anileridine.
- 36 (m) Benzethidine.
- 37 (n) Benzylfentanyl.
- 38 (o) Betacetylmethadol.
- 39 (p) Beta-hydroxyfentanyl.
- 40 (q) Beta-hydroxy-3-methylfentanyl.
- 41 (r) Betameprodine.
- 42 (s) Betamethadol.
- 43 (t) Betaprodine.
- 44 (u) Bezitramide.
- 45 (v) Buprenorphine ~~and its salts~~.

- 1 (w) BUTORPHANOL.
- 2 ~~(w)~~ (x) Cannabis.
- 3 ~~(x)~~ (y) Carfentanil.
- 4 ~~(y)~~ (z) Clonitazene.
- 5 ~~(z)~~ (aa) Coca leaves.
- 6 ~~(aa)~~ (bb) Dextromoramide.
- 7 ~~(bb)~~ (cc) Dextropropoxyphene.
- 8 ~~(cc)~~ (dd) Diampromide.
- 9 ~~(dd)~~ (ee) Diethylthiambutene.
- 10 ~~(ee)~~ (ff) DifenoXin.
- 11 ~~(ff)~~ (gg) Dihydrocodeine.
- 12 ~~(gg)~~ (hh) Dimenoxadol.
- 13 ~~(hh)~~ (ii) Dimepheptanol.
- 14 ~~(ii)~~ (jj) Dimethylthiambutene.
- 15 ~~(jj)~~ (kk) Dioxaphetyl butyrate.
- 16 ~~(kk)~~ (ll) Diphenoxylate.
- 17 ~~(ll)~~ (mm) Dipipanone.
- 18 ~~(mm)~~ (nn) Ethylmethylthiambutene.
- 19 ~~(nn)~~ (oo) Etonitazene.
- 20 ~~(oo)~~ (pp) EtoXeridine.
- 21 ~~(pp)~~ (qq) Fentanyl.
- 22 ~~(qq)~~ (rr) Furethidine.
- 23 ~~(rr)~~ (ss) Hydroxypethidine.
- 24 ~~(ss)~~ (tt) Isoamidone (isomethadone).
- 25 ~~(tt)~~ (uu) ~~Pethidine~~ ISONIPECAINE (meperidine) .
- 26 ~~(uu)~~ (vv) Ketobemidone.
- 27 ~~(vv)~~ (ww) Levomethorphan.
- 28 ~~(ww)~~ (xx) Levomoramide.
- 29 ~~(xx)~~ (yy) Levophenacymorphan.
- 30 ~~(yy)~~ (zz) Levorphanol.
- 31 ~~(zz)~~ (aaa) Metazocine.
- 32 ~~(aaa)~~ (bbb) 3-methylfentanyl.
- 33 ~~(bbb)~~ (ccc) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 34 ~~(ccc)~~ (ddd) 3-methylthiofentanyl.
- 35 ~~(ddd)~~ (eee) Morpheridine.
- 36 ~~(eee)~~ (fff) Noracymethadol.
- 37 ~~(fff)~~ (ggg) Norlevorphanol.
- 38 ~~(ggg)~~ (hhh) Normethadone.
- 39 ~~(hhh)~~ (iii) Norpipanone.
- 40 ~~(iii)~~ (jjj) Opium.
- 41 ~~(jjj)~~ (kkk) Para-fluorofentanyl.
- 42 ~~(kkk)~~ (lll) Pentazocine.
- 43 ~~(lll)~~ (mmm) Phenadoxone.
- 44 ~~(mmm)~~ (nnn) Phenampromide.
- 45 ~~(nnn)~~ (ooo) Phenazocine.

- 1 ~~(ooo)~~ (ppp) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 2 ~~(ppp)~~ (qqq) Phenomorphan.
- 3 ~~(qqq)~~ (rrr) Phenoperidine.
- 4 ~~(rrr)~~ (sss) Piminodine.
- 5 ~~(sss)~~ (ttt) Piritramide.
- 6 ~~(ttt)~~ (uuu) Proheptazine.
- 7 ~~(uuu)~~ (vvv) Properidine.
- 8 ~~(vvv)~~ (www) Propiram.
- 9 ~~(www)~~ (xxx) Racemethorphan.
- 10 ~~(xxx)~~ (yyy) Racemoramide.
- 11 ~~(yyy)~~ (zzz) Racemorphan.
- 12 ~~(zzz)~~ (aaaa) Remifentanil.
- 13 ~~(aaaa)~~ (bbbb) Sufentanil.
- 14 ~~(bbbb)~~ (cccc) Thenylfentanyl.
- 15 ~~(cccc)~~ (dddd) Thiofentanyl.
- 16 ~~(dddd)~~ (eeee) Tilidine.
- 17 ~~(eeee)~~ (ffff) Trimeperidine.

18 21. "Opium" means any compound, manufacture, salt, isomer, salt of
 19 isomer, derivative, mixture or preparation of the following, but does not
 20 include apomorphine, DEXTRORPHAN, NALBUPHINE, NALMEFENE, NALOXONE OR
 21 NALTREXONE or any of ~~its~~ THEIR salts:

- 22 (a) Acetorphine.
- 23 (b) Acetyldihydrocodeine.
- 24 (c) Benzylmorphine.
- 25 (d) Codeine.
- 26 (e) Codeine methylbromide.
- 27 (f) Codeine-N-oxide.
- 28 (g) Cyprenorphine.
- 29 (h) Desomorphine.
- 30 (i) DIHYDROETORPHINE.
- 31 ~~(i)~~ (j) Dihydromorphine.
- 32 ~~(j)~~ (k) Drotebanol.
- 33 ~~(k)~~ (l) Ethylmorphine.
- 34 ~~(l)~~ (m) Etorphine.
- 35 ~~(m)~~ (n) Heroin.
- 36 ~~(n)~~ (o) Hydrocodone.
- 37 ~~(o)~~ (p) Hydromorphinol.
- 38 ~~(p)~~ (q) Hydromorphone.
- 39 ~~(q) — Levo-alphaacetylmethadol.~~
- 40 (r) Methyldesorphine.
- 41 (s) Methyldihydromorphine.
- 42 (t) Metopon.
- 43 (u) Morphine.
- 44 (v) Morphine methylbromide.
- 45 (w) Morphine methylsulfonate.

- 1 (x) Morphine-N-oxide.
- 2 (y) Myrophine.
- 3 (z) Nalorphine.
- 4 (aa) Nicocodeine.
- 5 (bb) Nicomorphine.
- 6 (cc) Normorphine.
- 7 (dd) Oxycodone.
- 8 (ee) Oxymorphone.
- 9 (ff) Pholcodine.
- 10 (gg) Thebacon.
- 11 (hh) Thebaine.

12 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
13 phenylpropanolamine product" means a product that contains ephedrine,
14 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
15 all of the following:

- 16 (a) Approved for sale under the federal act.
- 17 (b) Labeled, advertised and marketed only for an indication that is
18 approved by the federal food and drug administration.
- 19 (c) Either:
 - 20 (i) ~~A nonliquid that is sold in package sizes of not more than three~~
21 ~~grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or~~
22 ~~phenylpropanolamine and that is packaged in blister packs containing not more~~
23 ~~than two dosage units or, if the use of blister packs is technically~~
24 ~~infeasible, that is~~ Packaged in unit dose packets or pouches.
 - 25 (ii) A liquid that is sold in package sizes of not more than three
26 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
27 phenylpropanolamine.

28 23. "Peyote" means any part of a plant of the genus lophophora, known
29 as the mescal button.

30 24. "Pharmacy" means a licensed business where drugs are compounded or
31 dispensed by a licensed pharmacist.

32 25. "Practitioner" means a person licensed to prescribe and administer
33 drugs.

34 26. "Precursor chemical I" means any material, compound, mixture or
35 preparation which contains any quantity of the following substances and their
36 salts, optical isomers or salts of optical isomers:

- 37 (a) BENZALDEHYDE.
- 38 (b) BENZYL CYANIDE.
- 39 ~~(a)~~ (c) N-acetylanthranilic acid.
- 40 ~~(b)~~ (d) Anthranilic acid.
- 41 ~~(e)~~ (e) Ephedrine.
- 42 (f) ERGONOVINE.
- 43 ~~(d)~~ (g) Ergotamine.
- 44 (h) ETHYLAMINE.
- 45 (i) HYDRIODIC ACID.

- 1 ~~(e)~~ (j) Isosafrole.
- 2 ~~(f)~~ (k) Lysergic acid.
- 3 ~~(g)~~ (l) Methylamine.
- 4 (m) 3, 4-METHYLENEDIOXYPHENYL-2-PROPANONE.
- 5 ~~(h)~~ (n) N-ethylephedrine.
- 6 ~~(i)~~ (o) N-ethylpseudoephedrine.
- 7 ~~(j)~~ (p) N-methylephedrine.
- 8 ~~(k)~~ (q) N-methylpseudoephedrine.
- 9 (r) NITROETHANE.
- 10 ~~(l)~~ (s) Norephedrine.
- 11 ~~(m)~~ (t) (-)-Norpseudoephedrine.
- 12 ~~(n)~~ (u) Phenylacetic acid.
- 13 ~~(o)~~ (v) Phenylpropanolamine.
- 14 ~~(p)~~ (w) Piperidine.
- 15 (x) PIPERONAL.
- 16 (y) PROPIONIC ANHYDRIDE.
- 17 ~~(q)~~ (z) Pseudoephedrine.

18 27. "Precursor chemical II" means any material, compound, mixture or
 19 preparation which contains any quantity of the following substances and their
 20 salts, optical isomers or salts of optical isomers:

- 21 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 22 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 23 (c) Chlorephedrine.
- 24 (d) Chlorpseudoephedrine.
- 25 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 26 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 27 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 28 (h) N-formyl amphetamine.
- 29 (i) N-formyl methamphetamine.
- 30 (j) Phenyl-2-propanone.
- 31 (k) 1-PHENYLCYCLOHEXYLAMINE.
- 32 ~~(k)~~ (l) 1-piperidinocyclohexane carbonitrile.
- 33 ~~(l)~~ (m) 1-pyrrolidinocyclohexane carbonitrile.

34 28. "Prescription-only drug" does not include a dangerous drug or
 35 narcotic drug but means:

- 36 (a) Any drug which because of its toxicity or other potentiality for
 37 harmful effect, or the method of its use, or the collateral measures
 38 necessary to its use, is not generally recognized among experts, qualified by
 39 scientific training and experience to evaluate its safety and efficacy, as
 40 safe for use except by or under the supervision of a medical practitioner.
- 41 (b) Any drug that is limited by an approved new drug application under
 42 the federal act or section 32-1962 to use under the supervision of a medical
 43 practitioner.
- 44 (c) Every potentially harmful drug, the labeling of which does not
 45 bear or contain full and adequate directions for use by the consumer.

1 (d) Any drug required by the federal act to bear on its label the
2 legend "Caution: Federal law prohibits dispensing without prescription" or
3 "RX only".

4 29. "Produce" means grow, plant, cultivate, harvest, dry, process or
5 prepare for sale.

6 30. "Regulated chemical" means the following substances in bulk form
7 that are not a useful part of an otherwise lawful product:

8 (a) Acetic anhydride.

9 (b) CONDENSED AMMONIA. FOR THE PURPOSES OF THIS SUBDIVISION,
10 "CONDENSED AMMONIA" MEANS AMMONIA IN ITS LIQUID FORM AND INCLUDES ANHYDROUS
11 AMMONIA. CONDENSED AMMONIA DOES NOT INCLUDE COMMERCIAL WATER SOLUTIONS OF
12 AMMONIA.

13 ~~(b)~~ (c) Hypophosphorous acid.

14 ~~(e)~~ (d) Iodine.

15 ~~(d)~~ (e) Sodium acetate.

16 ~~(e)~~ (f) Red phosphorus.

17 ~~(f)~~ (g) Gamma butyrolactone (GBL).

18 (h) GAMMA-VALEROLACTONE (GVL).

19 ~~(g)~~ (i) 1, 4-butanediol.

20 ~~(h)~~ ~~Butyrolactone.~~

21 ~~(i)~~ ~~1, 2 butanolide.~~

22 ~~(j)~~ ~~2-oxalalone.~~

23 ~~(k)~~ ~~Tetrahydro-2-furanone.~~

24 ~~(l)~~ ~~Dihydro-2(3H)-furanone.~~

25 ~~(m)~~ ~~Tetramethylene glycol.~~

26 (j) SAFROLE, INCLUDING SAFROLE-RICH ESSENTIAL OILS SUCH AS SASSAFRAS
27 OIL AND CAMPHOR OIL.

28 (k) WHITE PHOSPHOROUS.

29 31. "Retailer" means either:

30 (a) A person other than a practitioner who sells, TRANSFERS OR
31 FURNISHES any precursor chemical or regulated chemical to another person for
32 purposes of consumption and not resale, whether or not the person possesses a
33 permit issued pursuant to title 32, chapter 18.

34 (b) A person other than a manufacturer or wholesaler who purchases,
35 receives or acquires more than twenty-four grams of a precursor chemical.

36 32. "Sale" or "sell" means an exchange for anything of value or
37 advantage, present or prospective.

38 33. "Sale for personal use" means the retail sale for a legitimate
39 medical use in a single transaction to an individual customer, to an employer
40 for dispensing to employees from first aid kits or medicine chests or to a
41 school for administration pursuant to section 15-344.

42 34. "Scientific purpose" means research, teaching or chemical analysis.

43 35. "Suspicious transaction" means a transaction to which any of the
44 following applies:

45 (a) A report is required under the federal act.

1 (b) The circumstances would lead a reasonable person to believe that
2 any person is attempting to possess a precursor chemical or regulated
3 chemical for the purpose of unlawful manufacture of a dangerous drug or
4 narcotic drug, based on such factors as the amount involved, the method of
5 payment, the method of delivery and any past dealings with any participant.

6 (c) The transaction involves payment for precursor or regulated
7 chemicals in cash or money orders in a total amount of more than ~~two~~ ONE
8 hundred dollars.

9 (d) The transaction involves a sale, a transfer or furnishing to a
10 retailer for resale ~~without a prescription~~ of ephedrine, pseudoephedrine,
11 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
12 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
13 product, EXCEPT A NONLIQUID THAT IS SOLD IN PACKAGE SIZES OF NOT MORE THAN
14 THREE GRAMS OF EPHEDRINE, PSEUDOEPHEDRINE, (-)-NORPSEUDOEPHEDRINE OR
15 PHENLYPROPANOLAMINE AND THAT IS PACKAGED IN BLISTER PACKS CONTAINING NOT MORE
16 THAN TWO DOSAGE UNITS.

17 36. "Threshold amount" means a weight, market value or other form of
18 measurement of an unlawful substance as follows:

19 (a) One gram of heroin.

20 (b) Nine grams of cocaine.

21 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
22 cocaine.

23 (d) Four grams or 50 milliliters of PCP.

24 (e) ~~Nine~~ SEVEN grams of methamphetamine, including methamphetamine in
25 liquid suspension.

26 (f) Nine grams of amphetamine, including amphetamine in liquid
27 suspension.

28 (g) One-half milliliter of lysergic acid diethylamide, or in the case
29 of blotter dosage units fifty dosage units.

30 (h) Two pounds of marijuana.

31 (i) For any combination consisting solely of those unlawful substances
32 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
33 or in excess of the threshold amount, as determined by the application of
34 section 13-3420.

35 (j) For any unlawful substance not listed in subdivisions (a) through
36 (h) of this paragraph or any combination involving any unlawful substance not
37 listed in subdivisions (a) through (h) of this paragraph, a value of at least
38 one thousand dollars.

39 37. "Transfer" means furnish, deliver or give away.

40 38. "Vapor-releasing substance containing a toxic substance" means
41 paint or varnish dispensed by the use of aerosol spray, or any glue, which
42 releases vapors or fumes containing acetone, volatile acetates, benzene,
43 butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl
44 alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene,
45 volatile ketones, isophorone, chloroform, methylene chloride, mesityl oxide,

1 xylene, cumene, ethylbenzene, trichloroethylene, mibk, miak, mek or diacetone
2 alcohol or isobutyl nitrite.

3 39. "Weight" unless otherwise specified includes the entire weight of
4 any mixture or substance that contains a detectable amount of an unlawful
5 substance. If a mixture or substance contains more than one unlawful
6 substance, the weight of the entire mixture or substance is assigned to the
7 unlawful substance that results in the greater offense. If a mixture or
8 substance contains lysergic acid diethylamide, the offense that results from
9 the unlawful substance shall be based on the greater offense as determined by
10 the entire weight of the mixture or substance or the number of blotter dosage
11 units. For the purposes of this paragraph, "mixture" means any combination
12 of substances from which the unlawful substance cannot be removed without a
13 chemical process.

14 40. "Wholesaler" means a person who in the usual course of business
15 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or
16 regulated chemicals that he himself has not produced or prepared, but not to
17 a person for the purpose of consumption by the person, whether or not the
18 wholesaler has a permit that is issued pursuant to title 32, chapter
19 18. Wholesaler includes a person who sells, delivers or dispenses a
20 precursor chemical in an amount or under circumstances that would require
21 registration as a distributor of precursor chemicals under the federal act.

22 Sec. 2. Section 13-3404, Arizona Revised Statutes, is amended to read:
23 13-3404. Sale of precursor or regulated chemicals; report;
24 exemptions; violation; classification

25 A. A manufacturer, wholesaler, retailer or other person who sells,
26 transfers or otherwise furnishes any precursor chemical or regulated chemical
27 to any person in this state shall submit a report to the department of public
28 safety of all of those transactions.

29 B. The department of public safety shall provide a common reporting
30 form which contains at least the following information:

- 31 1. The name of the substance.
- 32 2. The proprietary name of the product, if any.
- 33 3. The quantity of the substance sold, transferred or furnished.
- 34 4. The date the substance is to be sold, transferred or furnished.
- 35 5. The name and address of the person buying or receiving the
36 substance.

37 6. The name and address of the manufacturer, wholesaler, retailer or
38 other person selling, transferring or furnishing the substance.

39 7. THE RECIPIENT'S DRIVER LICENSE NUMBER OR OTHER PERSONAL
40 IDENTIFICATION NUMBER FROM A DRIVER LICENSE OR A STATE ISSUED PERSONAL
41 IDENTIFICATION CERTIFICATE THAT CONTAINS A PHOTOGRAPH OF THE RECIPIENT.

42 8. A COMPLETE DESCRIPTION OF HOW THE PRECURSOR CHEMICAL IS TO BE USED.

43 9. THE RECIPIENT'S SIGNATURE.

44 C. A manufacturer, wholesaler, retailer or other person who sells,
45 transfers or otherwise furnishes a precursor chemical or regulated chemical

1 to a person in this state, not less than twenty-one days before delivery of
2 the substance, shall submit a report of the transaction to the department of
3 public safety, except that the department of public safety may authorize the
4 submission of the reports on a monthly basis with respect to repeated,
5 regular transactions between the furnisher and the recipient involving the
6 same substance if the department of public safety determines that both of the
7 following exist:

8 1. A pattern of regular supply of the substance exists between the
9 manufacturer, wholesaler, retailer or other person who sells, transfers or
10 otherwise furnishes such substance and the recipient of the substance.

11 2. The recipient has established a record of utilization of the
12 substance for lawful purposes.

13 D. A manufacturer, wholesaler, retailer or other person who receives
14 from a source outside of this state any precursor chemical or regulated
15 chemical shall submit a report of such transaction to the department of
16 public safety in accordance with rules adopted by that department. **THE**
17 **RECIPIENT OF THE PRECURSOR CHEMICAL OR REGULATED CHEMICAL SHALL SUBMIT THE**
18 **REPORT TWENTY-ONE DAYS BEFORE RECEIPT OF THE SUBSTANCE. THE REPORT SHALL**
19 **CONTAIN THE INFORMATION REQUIRED BY SUBSECTION B OF THIS SECTION.**

20 E. Subsections A, B, C and D **OF THIS SECTION** do not apply to any of
21 the following:

22 1. The sale, transfer or furnishing of ordinary ephedrine,
23 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine products.

24 2. The sale for personal use of ephedrine, pseudoephedrine,
25 (-)-norpseudoephedrine or phenylpropanolamine products totaling ~~four~~ **THREE**
26 packages or less **OR NINE GRAMS OR LESS.**

27 3. The sale, transfer or furnishing of a precursor chemical or
28 regulated chemical by a wholesaler or manufacturer if both parties to the
29 transaction possess a valid and current permit issued pursuant to title 32,
30 chapter 18 and a valid and current precursor list I chemical distributor
31 registration or controlled substance distributor registration issued pursuant
32 to the federal act.

33 F. Any manufacturer, wholesaler, retailer or other person who sells,
34 transfers or otherwise furnishes any precursor chemical or regulated chemical
35 to any person in this state in a suspicious transaction shall report the
36 transaction in writing to the department of public safety **WITHIN THREE DAYS**
37 **AFTER THE TRANSACTION.**

38 G. A person who is regulated by ~~the provisions of~~ this chapter and who
39 discovers the theft, disappearance or other loss of any precursor chemical ~~II~~
40 or regulated chemical ~~or the excessive or unusual loss of any precursor~~
41 ~~chemical-I~~ shall report the theft or loss in writing to the department of
42 public safety within three days after such discovery. Any difference between
43 the quantity of any precursor chemical ~~II~~ or regulated chemical received and
44 the quantity shipped ~~and any excessive or unusual loss of any precursor~~
45 ~~chemical-I shipped~~ shall be reported in writing to the department of public

1 safety within three days of actual knowledge of the discrepancy. A report
2 made pursuant to this subsection shall also include the name of the common
3 carrier or person who transports the substance and the date of shipment of
4 the substance.

5 H. Any manufacturer, wholesaler, retailer or other person who sells,
6 transfers or otherwise furnishes any precursor chemical or regulated chemical
7 to any person in this state shall maintain records ~~as described in subsection~~
8 ~~B~~ relating to all such transactions for not less than two years, ~~except that~~
9 ~~this requirement does not apply to sales for personal use of ordinary~~
10 ~~ephedrine, pseudoephedrine, (-)-norepseudoephedrine or phenylpropanolamine~~
11 ~~products by a permitted retailer.~~ THE RECORDS SHALL BE READILY RETRIEVABLE
12 BY ANY PEACE OFFICER FOR THE PURPOSE OF REVIEWING ALL INVOICES, RECORDS,
13 BILLS OR OTHER PAPERS AND DOCUMENTS RELATING TO THE PURCHASE, SALE AND
14 DELIVERY OF PRECURSOR CHEMICALS AND REGULATED CHEMICALS. These records shall
15 be open for inspection and copying by peace officers in the performance of
16 their duties. A peace officer shall not divulge pricing information obtained
17 pursuant to this subsection except in connection with a prosecution,
18 investigation, judicial proceeding or administrative proceeding or in
19 response to a judicial order. FOR THE PURPOSES OF THIS SUBSECTION, "READILY
20 RETRIEVABLE" MEANS:

21 1. IF THE PERMIT ADDRESS IS IN THIS STATE, THAT THE RECORDS ARE
22 AVAILABLE FOR INSPECTION WITHOUT PRIOR NOTICE AT THE PERMIT ADDRESS.

23 2. IF THE PERMIT ADDRESS IS IN A STATE OTHER THAN THIS STATE, THAT THE
24 RECORDS MUST BE FURNISHED WITHIN THREE WORKING DAYS BY COURIER, FAX, MAIL OR
25 ELECTRONIC MAIL.

26 I. This section does not apply to any of the following transactions:

27 1. The sale, transfer or furnishing to or by any practitioner or any
28 pharmacist acting pursuant to a prescription.

29 2. The sale, transfer or furnishing to or by a hospital, long-term
30 health care provider or managed health care provider or any other licensed or
31 permitted health care provider that administers or dispenses precursor
32 chemical I medication under the supervision of a practitioner.

33 3. The sale, transfer or furnishing of iodine either:

34 (a) In an amount of two ounces or less by weight.

35 (b) To a licensed or permitted wholesaler, VETERINARIAN, VETERINARY
36 CLINIC, health care facility, pharmacy or practitioner.

37 (c) As a tincture of iodine or topical solution of iodine IN AN AMOUNT
38 OF ONE PINT OR LESS.

39 ~~4. The sale, transfer or furnishing of red phosphorous in an amount of~~
40 ~~less than four ounces.~~

41 ~~5.~~ 4. The movement from one facility of a licensee or permittee to
42 another facility of the same licensee or permittee without sale.

43 ~~6. The sale, transfer or furnishing of dietary supplements if all of~~
44 ~~the following apply:~~

45 (a) ~~The dietary supplements are not otherwise prohibited by law.~~

1 ~~(b) The dietary supplements contain naturally occurring ephedrine,~~
2 ~~ephedrine alkaloids or pseudoephedrine, or their salts, isomers or salts of~~
3 ~~isomers, or a combination of these substances that both:~~

4 ~~(i) Are contained in the matrix of organic material in which they~~
5 ~~naturally occur.~~

6 ~~(ii) Do not exceed five per cent of the total weight of the natural~~
7 ~~product.~~

8 ~~(c) The dietary supplements are manufactured and distributed for~~
9 ~~legitimate use in a manner that reduces or eliminates the likelihood of~~
10 ~~abuse.~~

11 ~~(d) The dietary supplements are labeled in compliance with the dietary~~
12 ~~supplement health and education act of 1994 (21 United States Code section~~
13 ~~321).~~

14 5. THE SALE, TRANSFER OR FURNISHING OF ANHYDROUS AMMONIA IF THE
15 SUBSTANCE IS USED IN THE REGULAR COURSE OF LAWFUL AGRICULTURAL OPERATIONS AS
16 DEFINED IN SECTION 3-111.

17 J. The department of public safety shall grant an exemption from the
18 reporting requirements under subsection C OF THIS SECTION to any person who
19 supplies a precursor chemical or regulated chemical if the person can
20 demonstrate to the department's satisfaction that the recipient requires the
21 substance for a lawful purpose and that special circumstances prevent the
22 supplier from reporting the transaction to the department twenty-one days or
23 more before delivery.

24 K. The director of the department of public safety may adopt rules to
25 carry out ~~the provisions of~~ this section which are not inconsistent with the
26 statutes of this state.

27 L. A permitted manufacturer, wholesaler or retailer who sells,
28 transfers or otherwise furnishes any precursor chemical or regulated chemical
29 to any person in this state may satisfy the reporting or record keeping
30 requirements of this section by submitting to the department of public safety
31 either:

32 1. Computer readable data from which all of the required information
33 may be derived.

34 2. Copies of reports that are filed pursuant to federal law and that
35 contain all of the information required by this section.

36 M. This chapter does not preclude any person, including a licensee,
37 permittee, manufacturer, wholesaler or retailer, from instituting contact
38 with and disclosing transactions or transaction records to appropriate
39 federal, state or local law enforcement agencies if the person has
40 information that may be relevant to a possible violation of any criminal
41 statute or to the evasion or attempted evasion of any reporting or record
42 keeping requirement of this chapter.

43 N. Any person, including a licensee, permittee, manufacturer,
44 wholesaler or retailer or any officer, employee or agent of any licensee,
45 permittee, manufacturer, wholesaler or retailer, that keeps or files a record

1 as prescribed by this section or that communicates or discloses information
2 or records under this section is not liable to its customer, a state or local
3 agency or any person for any loss or damage caused in whole or in part by the
4 making, filing or governmental use of the report or any information contained
5 in that report.

6 0. Notwithstanding any other law, a county, city or town shall not
7 enact an ordinance that is more restrictive than the requirements of this
8 section.

9 P. It is unlawful for a person to knowingly:

10 1. Fail to submit a report that is required by this section.

11 2. Fail to maintain a record that is required by this section.

12 3. Furnish false information or omit any material information in any
13 report or record that is required by this section.

14 4. Cause another person to furnish false information or to omit any
15 material information in any report or record that is required by this
16 section.

17 5. Participate in any wholesale or retail transaction or series of
18 transactions that is structured by a person with the intent to avoid the
19 filing by any party to the transaction of any report that is required by this
20 section.

21 Q. A person who violates subsection P, paragraph 3, 4 or 5 OF THIS
22 SECTION is guilty of a class 5 felony. A person who violates subsection P,
23 paragraph 1 or 2 OF THIS SECTION is guilty of a class 6 felony.

24 Sec. 3. Section 13-3404.01, Arizona Revised Statutes, is amended to
25 read:

26 13-3404.01. Possession or sale of precursor chemicals,
27 regulated chemicals, substances or equipment;
28 exceptions; classification

29 A. A person shall not do any of the following:

30 1. Knowingly possess a precursor chemical II.

31 2. Knowingly possess OR PURCHASE more than ~~twenty-four~~ NINE grams of
32 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine without a
33 license or permit issued pursuant to title 32, chapter 18.

34 3. Knowingly purchase more than three packages, not to exceed nine
35 grams of pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
36 without a valid prescription order as defined in section 32-1901 or a license
37 or permit issued pursuant to title 32, chapter 18.

38 4. Knowingly possess any ephedrine that is uncombined or that is the
39 sole active ingredient of a product or more than ~~twenty-four~~ NINE grams of
40 ephedrine that is combined with another active ingredient in any ephedrine
41 product without a license or permit issued pursuant to title 32, chapter 18.

42 5. Knowingly purchase any ephedrine that is uncombined or is the sole
43 active ingredient of a product or more than three packages, not to exceed
44 nine grams of ephedrine that is combined with another active ingredient in

1 any ephedrine product without a license or permit issued pursuant to title
2 32, chapter 18.

3 6. Sell, transfer or otherwise furnish any precursor chemical,
4 regulated chemical or other substance or equipment with knowledge **OR WITH**
5 **REASON TO KNOW** that the recipient will use the precursor chemical, regulated
6 chemical, substance or equipment to unlawfully manufacture a dangerous drug
7 or narcotic drug.

8 7. As a manufacturer, wholesaler or retailer, knowingly possess any
9 precursor chemical or regulated chemical from which the label, the national
10 drug control number or the manufacturer's lot number has been removed,
11 altered or obliterated, except that a licensed manufacturer may relabel
12 products as permitted under the federal act.

13 8. Knowingly sell, transfer or otherwise furnish more than nine grams
14 of any precursor chemical without a license or permit issued pursuant to
15 title 32, chapter 18.

16 9. Sell, transfer or furnish ephedrine, pseudoephedrine,
17 (-)-norpseudoephedrine or phenylpropanolamine in a total amount of more than
18 nine grams in a single transaction in this state unless the recipient
19 possesses a valid and current permit issued by the board pursuant to title
20 32, chapter 18.

21 10. Sell, transfer or otherwise furnish a precursor chemical in
22 violation of any rule of the board or the department of public safety.

23 11. As a wholesaler or retailer, purchase or otherwise acquire or
24 receive a precursor chemical from any person who does not possess a valid and
25 current permit issued pursuant to title 32, chapter 18.

26 12. Knowingly participate in any transaction or series of transactions
27 that is structured by any person with the intent to avoid or circumvent the
28 prohibitions or limits on sales established by this section.

29 **13. KNOWINGLY TAMPER WITH EQUIPMENT THAT IS MANUFACTURED AND USED TO**
30 **HOLD, APPLY OR TRANSPORT ANHYDROUS AMMONIA WITHOUT THE EXPRESS CONSENT OF THE**
31 **OWNER OF THE EQUIPMENT.**

32 **14. KNOWINGLY POSSESS, TRANSPORT, TRANSFER OR MAINTAIN CONDENSED**
33 **AMMONIA IN A CONTAINER OR RECEPTACLE THAT IS NOT DESIGNED AND MANUFACTURED TO**
34 **HOLD ANHYDROUS AMMONIA AS SPECIFIED BY 49 CODE OF FEDERAL REGULATIONS PART**
35 **173.**

36 **15. KNOWINGLY POSSESS OR TRANSPORT A REGULATED CHEMICAL, UNLESS ONE OF**
37 **THE FOLLOWING APPLIES:**

38 **(a) THE PERSON IS CONDUCTING A LICENSED BUSINESS THAT INVOLVES THE**
39 **REGULATED CHEMICAL.**

40 **(b) THE SUBSTANCE IS FOR A CHEMISTRY OR CHEMISTRY-RELATED LABORATORY**
41 **THAT IS MAINTAINED BY A PUBLIC OR PRIVATE REGULARLY ESTABLISHED SECONDARY**
42 **SCHOOL OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION THAT IS**
43 **ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING AGENCY RECOGNIZED BY THE**
44 **UNITED STATES DEPARTMENT OF EDUCATION.**

1 (c) THE PERSON IS A RETAIL DISTRIBUTOR, WHOLESALER, MANUFACTURER,
2 WAREHOUSEMAN OR COMMON CARRIER OR AN AGENT OF ANY OF THESE PERSONS WHO
3 POSSESSES THE REGULATED CHEMICAL IN THE REGULAR COURSE OF LAWFUL BUSINESS
4 ACTIVITIES.

5 (d) THE SUBSTANCE IS PART OF A COMMERCIALY PRODUCED PRODUCT.

6 (e) THE REGULATED CHEMICAL IS USED IN THE REGULAR COURSE OF LAWFUL
7 AGRICULTURAL OPERATIONS AS DEFINED IN SECTION 3-111 OR ANIMAL HUSBANDRY.

8 (f) THE PERSON HAS DOCUMENTATION SHOWING THAT THE REGULATED CHEMICAL
9 WAS OBTAINED LEGALLY THROUGH THE REQUIREMENTS OF THIS CHAPTER.

10 B. A retailer shall not knowingly sell, transfer or otherwise furnish
11 a precursor chemical unless:

12 1. The transaction occurs in the normal course of business at premises
13 that are permitted pursuant to title 32, chapter 18.

14 2. The retailer has a valid and current permit that is issued pursuant
15 to title 32, chapter 18 and that is prominently displayed at the premises
16 where the transaction occurs.

17 C. A retailer shall not sell more than a total of three packages, not
18 to exceed nine grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
19 phenylpropanolamine in a single transaction unless the person has a valid
20 prescription order as defined in section 32-1901.

21 D. A wholesaler shall not sell, transfer or otherwise furnish a
22 precursor chemical to any person unless:

23 1. The wholesaler has a valid and current permit issued pursuant to
24 title 32, chapter 18.

25 2. The recipient has a permit issued pursuant to title 32, chapter 18,
26 is a pharmacy or is a practitioner.

27 3. The transaction does not involve payment in cash or money orders in
28 an amount of more than one thousand dollars.

29 E. A manufacturer shall not sell, transfer or otherwise furnish a
30 precursor chemical to any person unless:

31 1. The recipient is licensed or has a permit issued pursuant to title
32 32, chapter 18, is a pharmacy or is a practitioner.

33 2. The transaction does not involve payment in cash or money orders in
34 an amount of more than one thousand dollars.

35 F. This section does not apply to any of the following:

36 1. The transfer by a licensee or permittee to a reclamation facility
37 for destruction.

38 2. The movement from one facility of a licensee or permittee to
39 another facility of the same licensee or permittee without sale.

40 G. Notwithstanding any other law, a county, city or town shall not
41 enact an ordinance that is more restrictive than the requirements of this
42 section.

43 H. A violation of subsection A, paragraph 1 or 6 OF THIS SECTION is a
44 class 2 felony. A violation of subsection A, paragraph 2, 3, 4, 5, 7, 9, 11
45 or 12 OF THIS SECTION is a class 5 felony. A violation of subsection A,

1 paragraph 8 or 10 OF THIS SECTION is a class 6 felony. A VIOLATION OF
2 SUBSECTION A, PARAGRAPH 13, 14 OR 15 OF THIS SECTION IS A CLASS _____.
3 A violation of subsection B, D or E OF THIS SECTION is a class 5 felony. A
4 violation of subsection C OF THIS SECTION is a class 5 felony, except that if
5 the violation involves less than a total of fifty grams of ephedrine,
6 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine, the first
7 violation is a class 2 misdemeanor and the second violation is a class 1
8 misdemeanor. An enterprise is not criminally accountable for a violation of
9 subsection C OF THIS SECTION unless the conduct constituting the offense is
10 engaged in, authorized, commanded or recklessly tolerated by the directors of
11 the enterprise in any manner or by a high managerial agent acting within the
12 scope of employment.

13 Sec. 4. Section 15-712, Arizona Revised Statutes, is amended to read:

14 15-712. Instruction on alcohol, tobacco, narcotic drugs,
15 marijuana, date rape drugs and other dangerous drugs;
16 chemical abuse prevention programs; definitions

17 A. Instruction on the nature and harmful effects of alcohol, tobacco,
18 narcotic drugs, marijuana, date rape drugs and other dangerous drugs on the
19 human system and instruction on the laws related to the control of these
20 substances and the nonuse and prevention of use and abuse of alcohol,
21 tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs
22 may be included in the courses of study in common and high schools, with
23 emphasis on grades four through nine. Instruction on the nature and harmful
24 effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and
25 other dangerous drugs on a human fetus may be included in the courses of
26 study in grades six through twelve. The instruction may be integrated into
27 existing health, science, citizenship or similar studies and shall meet the
28 criteria for chemical abuse prevention education programs developed pursuant
29 to subsection C of this section.

30 B. At the request of a school district, the department of education
31 shall provide technical assistance to school districts that choose to
32 implement programs to prevent chemical abuse.

33 C. The department of education and the department of health services,
34 in consultation with the ~~committee~~ COUNCIL established pursuant to section
35 41-617, shall establish an interagency committee to coordinate their
36 assistance to school districts.

37 D. The state board of education may accept gifts and grants and shall
38 distribute them and monies appropriated for chemical abuse prevention
39 programs to school districts to assist with the costs of programs designed to
40 prevent chemical abuse by pupils in kindergarten programs and grades one
41 through twelve. School districts which have approved chemical abuse
42 prevention policies and procedures as prescribed in section 15-345 are
43 eligible for a maximum of one dollar for each pupil or one thousand dollars,
44 whichever is more. If sufficient monies are not available to meet all
45 requests, the state board shall determine which school districts to fund

1 based on need, availability of other programs or sources of revenue and the
2 likelihood of the school district's proposed program successfully meeting
3 needs identified by the school district. A school district shall include the
4 monies it receives for chemical abuse prevention programs under this section
5 in the special projects section of the budget as provided in section 15-903,
6 subsection F.

7 E. For the ~~purpose~~ PURPOSES of this section:

8 1. "Date rape drug" means a drug ~~prescribed~~ LISTED in section 13-3401,
9 paragraph 30, subdivisions ~~(f) through (m)~~ (g), (h) AND (i).

10 2. "Narcotic drug", "marijuana" and "dangerous drug" have the same
11 meaning prescribed in section 13-3401.