

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HOUSE BILL 2453

AN ACT

AMENDING SECTIONS 13-3401 AND 13-3404, 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~~ THAT contains
30 any quantity of the following hallucinogenic substances and their salts,
31 isomers, whether optical, positional or geometric, and salts of isomers,
32 unless specifically excepted, whenever the existence of such salts, isomers
33 and salts of isomers is possible within the specific chemical designation:

34 (i) Alpha-ethyltryptamine.

35 (ii) ALPHA-METHYLTRYPTAMINE.

36 (iii) (2-AMINOPROPYL) BENZOFURAN (APB).

37 (iv) (2-AMINOPROPYL)-2,3-DIHYDROBENZOFURAN (APDB).

38 ~~(v)~~ (v) Aminorex.

39 ~~(vi)~~ (vi) 4-bromo-2, 5-dimethoxyphenethylamine.

40 ~~(vii)~~ (vii) 4-bromo-2, 5-dimethoxyamphetamine.

41 ~~(viii)~~ (viii) Bufotenine.

42 (vix) [3-(3-CARBAMOYLPHENYL)PHENYL]N-CYCLOHEXYL CARBAMATE (URB-597).

43 ~~(x)~~ (x) Diethyltryptamine.

44 ~~(xi)~~ (xi) 2, 5-dimethoxyamphetamine.

45 ~~(xii)~~ (xii) Dimethyltryptamine.

- 1 (xiii) 5-METHOXY-ALPHA-METHYLTRYPTAMINE.
- 2 ~~(ix)~~ (xiv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 3 ~~(x)~~ (xv) 4-methyl-2, 5-dimethoxyamphetamine.
- 4 ~~(xi)~~ (xvi) Ibogaine.
- 5 ~~(xii)~~ (xvii) Lysergic acid amide.
- 6 ~~(xiii)~~ (xviii) Lysergic acid diethylamide.
- 7 ~~(xiv)~~ (xix) Mescaline.
- 8 ~~(xv)~~ (xx) 4-methoxyamphetamine.
- 9 ~~(xvi)~~ (xxi) Methoxymethylenedioxyamphetamine (MMDA).
- 10 ~~(xvii)~~ (xxii) Methylenedioxyamphetamine (MDA).
- 11 ~~(xviii)~~ (xxiii) 3, 4-methylenedioxyamphetamine.
- 12 ~~(xix)~~ (xxiv) 3, 4-methylenedioxy-N-ethylamphetamine.
- 13 ~~(xx)~~ (xxv) N-ethyl-3-piperidyl benzilate (JB-318).
- 14 ~~(xxi)~~ (xxvi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 15 ~~(xxii)~~ (xxvii) N-methyl-3-piperidyl benzilate (JB-336).
- 16 (xxviii) N-METHYLTRYPTAMINE MIMETIC SUBSTANCES THAT ARE ANY SUBSTANCES
- 17 DERIVED FROM N-METHYLTRYPTAMINE BY ANY SUBSTITUTION AT THE NITROGEN, ANY
- 18 SUBSTITUTION AT THE INDOLE RING, ANY SUBSTITUTION AT THE ALPHA CARBON, ANY
- 19 SUBSTITUTION AT THE BETA CARBON OR ANY COMBINATION OF THE ABOVE.
- 20 N-METHYLTRYPTAMINE MIMETIC SUBSTANCES DO NOT INCLUDE MELATONIN (5-METHOXY-N-
- 21 ACETYLTRYPTAMINE). SUBSTANCES IN THE N-METHYLTRYPTAMINE GENERIC DEFINITION
- 22 INCLUDE ACO-DMT, BAEOCYSTINE, BROMO-DALT, DIPT, DMT, DPT, HO-DET, HO-DIPT,
- 23 HO-DMT, HO-DPT, HO-MET, MEO-DALT, MEO-DET, MEO-DIPT, MEO-DMT, MEO-DPT,
- 24 MEO-NMT, MET, NMT AND NORBUFOTENIN.
- 25 ~~(xxiii)~~ (xxix) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 26 ~~(xxiv)~~ (xxx) Nabilone.
- 27 ~~(xxv)~~ (xxxii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 28 ~~(xxvi)~~ (xxxiii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 29 ~~(xxvii)~~ (xxxiiii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 30 ~~(xxviii)~~ (xxxv) Para-methoxyamphetamine (PMA).
- 31 (xxxv) PSILACETIN.
- 32 ~~(xxix)~~ (xxxvi) Psilocybin.
- 33 ~~(xxx)~~ (xxxvii) Psilocyn.
- 34 ~~(xxxi)~~ (xxxviii) Synhexyl.
- 35 ~~(xxxii)~~ (xxxix) Trifluoromethylphenylpiperazine (TFMPP).
- 36 ~~(xxxiii)~~ (xl) Trimethoxyamphetamine (TMA).
- 37 ~~(xxxiv)~~ (xli) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 38 ~~(xxxv)~~ (xlii) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 39 ~~(xxxvi)~~ (xliii) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 40 ~~(xxxvii)~~ (xliv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and
- 41 isomers).
- 42 ~~(xxxviii)~~ (xlv) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole
- 43 (JWH-200 and isomers).
- 44 ~~(xxxix)~~ (xlvi) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
- 45 isomers).

- 1 ~~(x+i)~~ (xlvii) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-
2 methanone (JWH-015 and isomers).
- 3 ~~(x+ii)~~ (xlviii) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
4 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
- 5 ~~(x+iii)~~ (xlix) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
6 (CP 47,497 and isomers).
- 7 ~~(x+iiii)~~ (l) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
8 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- 9 (b) Any material, compound, mixture or preparation ~~which~~ THAT contains
10 any quantity of cannabimimetic substances and their salts, isomers, whether
11 optical, positional or geometric, and salts of isomers, unless specifically
12 excepted, whenever the existence of such salts, isomers and salts of isomers
13 is possible within the specific chemical designation. For the purposes of
14 this subdivision, "cannabimimetic substances" means any substances within the
15 following structural classes:
- 16 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position
17 of the phenolic ring by alkyl or alkenyl, whether or not substituted on the
18 cyclohexyl ring to any extent. Substances in the
19 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497
20 C8-Homolog, CP-55,940 and CP-56,667.
- 21 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution
22 at the nitrogen atom of the indole ring, whether or not further substituted
23 on the indole ring to any extent, whether or not substituted on the naphthoyl
24 or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole
25 generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009,
26 JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048,
27 JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079,
28 JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120,
29 JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184,
30 JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197,
31 JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235,
32 JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387,
33 JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413,
34 JWH-414 and JWH-415.
- 35 (iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the
36 pyrrole ring, whether or not further substituted in the pyrrole ring to any
37 extent, whether or not substituted on the naphthoyl ring to any extent.
38 Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030,
39 JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245,
40 JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363,
41 JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and
42 JWH-392.
- 43 (iv) 1-(naphthylmethylene)indene by substitution of the 3-position of
44 the indene ring, whether or not further substituted in the indene ring to any
45 extent, whether or not substituted on the naphthyl ring to any extent.

1 Substances in the 1-(naphthylmethylene)indene generic definition include
2 JWH-176.

3 (v) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the
4 nitrogen atom of the indole ring, whether or not further substituted in the
5 indole ring to any extent, whether or not substituted on the phenyl ring to
6 any extent. Substances in the 3-(phenylacetyl)indole generic definition
7 include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204,
8 JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250,
9 JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311,
10 JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

11 (vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole
12 or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of
13 the indole ring, whether or not further substituted in the indole ring to any
14 extent, whether or not substituted on the cyclopropyl, cyclobutyl or
15 cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone)
16 indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

17 (vii) 3-ADAMANTOYLINDOLE WITH SUBSTITUTION AT THE NITROGEN ATOM OF THE
18 INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY
19 EXTENT, WHETHER OR NOT SUBSTITUTED ON THE ADAMANTLY RING TO ANY EXTENT.
20 SUBSTANCES IN THE 3-ADAMANTOYLINDOLE GENERIC DEFINITION INCLUDE AB-001.

21 (viii) N-(ADAMANTYL)-INDOLE-3-CARBOXAMIDE WITH SUBSTITUTION AT THE
22 NITROGEN ATOM OF THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE
23 INDOLE RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE ADAMANTLY RING
24 TO ANY EXTENT. SUBSTANCES IN THE N-(ADAMANTYL)-INDOLE-3-CARBOXAMIDE GENERIC
25 DEFINITION INCLUDE SDB-001.

26 (ix) INDAZOLE-3-CARBOXAMIDE WITH SUBSTITUTION AT A NITROGEN ATOM OF
27 THE INDAZOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDAZOLE RING TO
28 ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE NITROGEN OF THE CARBOXAMIDE TO
29 ANY EXTENT. SUBSTANCES IN THE INDAZOLE-3-CARBOXAMIDE GENERIC DEFINITION
30 INCLUDE AKB-48, FLUORO-AKB-48, APINACA, AB-PINACA AND AB-FUBINACA.

31 (x) 8-QUINOLINYL-INDOLE-3-CARBOXYLATE BY SUBSTITUTION AT THE NITROGEN
32 ATOM OF THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDOLE
33 RING TO ANY EXTENT, WHETHER OR NOT SUBSTITUTED ON THE QUINOLINE RING TO ANY
34 EXTENT. SUBSTANCES IN THE 8-QUINOLINYL-INDOLE-3-CARBOXYLATE GENERIC
35 DEFINITION INCLUDE PB-22 AND FLUORO-PB-22.

36 (c) Any material, compound, mixture or preparation ~~which~~ THAT contains
37 any quantity of the following substances and their salts, isomers, whether
38 optical, positional or geometric, and salts of isomers having a potential for
39 abuse associated with a stimulant effect on the central nervous system:

40 (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

41 (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

42 (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

43 (iv) ALPHA-PYRROLIDINOVALEROTHIOPHENONE (ALPHA-PVT).

44 (v) AMINOINDANE MIMETIC SUBSTANCES THAT ARE DERIVED FROM AMINOINDANE
45 BY ANY SUBSTITUTION AT THE INDANE RING, REPLACEMENT OF THE AMINO GROUP WITH

- 1 ANOTHER N GROUP OR ANY COMBINATION OF THE ABOVE. SUBSTANCES IN THE
2 AMINOINDANE GENERIC DEFINITION INCLUDE MDAI, MMAI, IAI AND AMMI.
- 3 ~~(iv)~~ (vi) Amphetamine.
 - 4 ~~(v)~~ (vii) Benzphetamine.
 - 5 ~~(vi)~~ (viii) Benzylpiperazine (BZP).
 - 6 ~~(vii)~~ (vix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
 - 7 ~~(viii)~~ (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
 - 8 ~~(ix)~~ (xi) Butorphanol.
 - 9 ~~(x)~~ (xii) Cathine ((+)-norpseudoephedrine).
 - 10 ~~(xi)~~ (xiii) Cathinomimetic substances ~~which~~ THAT are any substances
11 derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at
12 the phenyl ring, any substitution at the 3 position, any substitution at the
13 nitrogen atom or any combination of the above substitutions.
 - 14 ~~(xii)~~ (xiv) Cathinone.
 - 15 ~~(xiii)~~ (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
 - 16 ~~(xiv)~~ (xvi) Chlorphentermine.
 - 17 ~~(xv)~~ (xvii) Clortermine.
 - 18 ~~(xvi)~~ (xviii) Diethylpropion.
 - 19 ~~(xvii)~~ (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
 - 20 ~~(xviii)~~ (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 - 21 ~~(xix)~~ (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 - 22 ~~(xx)~~ (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
 - 23 ~~(xxi)~~ (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
 - 24 ~~(xxii)~~ (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
 - 25 ~~(xxiii)~~ (xxv) Dimethylcathinone (Metamfepramone).
 - 26 ~~(xxiv)~~ (xxvi) Ethcathinone.
 - 27 ~~(xxv)~~ (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
28 (2C-T-2).
 - 29 ~~(xxvi)~~ (xxviii) Fencamfamin.
 - 30 ~~(xxvii)~~ (xxix) Fenethylline.
 - 31 ~~(xxviii)~~ (xxx) Fenproporex.
 - 32 (xxxi) FLUROAMPHETAMINE.
 - 33 (xxxii) FLUROMETHAMPHETAMINE.
 - 34 ~~(xxx)~~ (xxxiii) Fluoromethcathinone.
 - 35 ~~(xxx)~~ (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
 - 36 ~~(xxx)~~ (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
37 (2C-T-4).
 - 38 ~~(xxx)~~ (xxxvi) Mazindol.
 - 39 ~~(xxx)~~ (xxxvii) Mefenorex.
 - 40 ~~(xxx)~~ (xxxviii) Methamphetamine.
 - 41 ~~(xxx)~~ (xxxix) Methcathinone.
 - 42 (xl) METHIOPROPAMINE.
 - 43 ~~(xxx)~~ (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
 - 44 ~~(xxx)~~ (xlii) Methoxymethcathinone (methedrone).

1 ~~(xxxviii)~~ (xliii) Methoxyphenethylamine mimetic substances ~~which~~ THAT
2 are any substances derived from 2, 5-dimethoxy-phenethylamine by any
3 substitution at the phenyl ring, any substitution at the nitrogen atom, ANY
4 SUBSTITUTIONS AT THE CARBON ATOMS OF THE ETHYLAMINE, or any combination of
5 the above substitutions.

- 6 ~~(xxxix)~~ (xliv) 4-methylaminorex.
- 7 ~~(xli)~~ (xlv) Methyl- α -pyrrolidinobutiophenone (MPBP).
- 8 ~~(xlii)~~ (xlvi) Methylenedioxy- α -pyrrolidinopropiophenone (MDPPP).
- 9 ~~(xliii)~~ (xlvii) Methylenedioxyethcathinone (Ethylone).
- 10 ~~(xliv)~~ (xlviii) Methylenedioxymethcathinone (Methylone).
- 11 ~~(xlv)~~ (xlix) Methylenedioxypropylvalerone (MDPV).
- 12 ~~(xlvi)~~ (l) Methylmethcathinone (Mephedrone).
- 13 ~~(xlvii)~~ (li) Methylphenidate.
- 14 ~~(xlviii)~~ (lii) Modafinil.
- 15 ~~(xlviii)~~ (liii) Naphthylpyrovalerone (Naphyrone).
- 16 ~~(xlix)~~ (liv) N-ethylamphetamine.
- 17 ~~(l)~~ (lv) N, N-dimethylamphetamine.
- 18 ~~(li)~~ (lvi) Pemoline.
- 19 ~~(lii)~~ (lvii) Phendimetrazine.
- 20 ~~(liii)~~ (lviii) Phenmetrazine.
- 21 ~~(liv)~~ (lix) Phentermine.
- 22 ~~(lv)~~ (lx) Pipradol.
- 23 ~~(lvi)~~ (lxi) Propylhexedrine.
- 24 ~~(lvii)~~ (lxii) Pyrovalerone.
- 25 ~~(lviii)~~ (lxiii) Sibutramine.
- 26 ~~(lix)~~ (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).

27 (d) Any material, compound, mixture or preparation ~~which~~ THAT contains
28 any quantity of the following substances having a potential for abuse
29 associated with a depressant effect on the central nervous system:

- 30 (i) Any substance which contains any quantity of a derivative of
31 barbituric acid, or any salt of a derivative of barbituric acid, unless
32 specifically excepted.
- 33 (ii) Alprazolam.
- 34 (iii) Bromazepam.
- 35 (iv) Camazepam.
- 36 (v) Carisoprodol.
- 37 (vi) Chloral betaine.
- 38 (vii) Chloral hydrate.
- 39 (viii) Chlordiazepoxide.
- 40 (ix) Chlorhexadol.
- 41 (x) Clobazam.
- 42 (xi) Clonazepam.
- 43 (xii) Clorazepate.
- 44 (xiii) Clotiazepam.
- 45 (xiv) Cloxazolam.

- 1 (xv) Delorazepam.
- 2 (xvi) Diazepam.
- 3 (xvii) Dichloralphenazone.
- 4 (xviii) Estazolam.
- 5 (xix) Ethchlorvynol.
- 6 (xx) Ethinamate.
- 7 (xxi) Ethyl loflazepate.
- 8 (xxii) Fenfluramine.
- 9 (xxiii) Fludiazepam.
- 10 (xxiv) Flunitrazepam.
- 11 (xxv) Flurazepam.
- 12 (xxvi) Gamma hydroxy butyrate.
- 13 (xxvii) Glutethimide.
- 14 (xxviii) Halazepam.
- 15 (xxix) Haloxazolam.
- 16 (xxx) HYDROXYPHENCYCLIDINE (HO-PCP).
- 17 ~~(xxxi) Ketamine.~~
- 18 ~~(xxxii) Ketazolam.~~
- 19 ~~(xxxiii) Loprazolam.~~
- 20 ~~(xxxiv) Lorazepam.~~
- 21 ~~(xxxv) Lormetazepam.~~
- 22 ~~(xxxvi) Lysergic acid.~~
- 23 ~~(xxxvii) Mebutamate.~~
- 24 ~~(xxxviii) Mecloqualone.~~
- 25 ~~(xxxix) Medazepam.~~
- 26 ~~(xl) Meprobamate.~~
- 27 ~~(xli) Methaqualone.~~
- 28 ~~(xlii) Methohexital.~~
- 29 (xliii) 2-(METHOXYPHENYL)-2-(ETHYLAMINO)CYCLOHEXANONE(METHOXETAMINE).
- 30 (xliv) 2-(METHOXYPHENYL)-2-
- 31 (METHYLAMINO)CYCLOHEXANONE(METHOXYKETAMINE).
- 32 (xlv) METHOXYPHENCYCLIDINE(MEO-PCP).
- 33 ~~(xlvi) Methyprylon.~~
- 34 ~~(xlvii) Midazolam.~~
- 35 ~~(xlviii) Nimetazepam.~~
- 36 ~~(xlix) Nitrazepam.~~
- 37 ~~(l) Nordiazepam.~~
- 38 ~~(li) Oxazepam.~~
- 39 ~~(lii) Oxazolam.~~
- 40 ~~(liii) Paraldehyde.~~
- 41 ~~(liv) Petrichloral.~~
- 42 ~~(lv) Phencyclidine (PCP).~~
- 43 (lvi) PHENCYCLIDINE MIMETIC SUBSTANCES THAT ARE ANY SUBSTANCES DERIVED
- 44 FROM PHENYLCYCLOHEXYLPYPERIDINE BY ANY SUBSTITUTION AT THE PHENYL RING, ANY
- 45 SUBSTITUTION AT THE PIPERIDINE RING, ANY SUBSTITUTION AT THE CYCLOHEXYL RING,

1 ANY REPLACEMENT OF THE PHENYL RING OR ANY COMBINATION OF THE ABOVE.
2 SUBSTANCES IN THE PHENYLCYCLOHEXYLPYPERIDINE GENERIC DEFINITION INCLUDE
3 AMINO-PCP, BCP, BROMO-PCP, BTCP, CHLORO-PCP, FLUORO-PCP, HO-PCP, MEO-PCP,
4 METHYL-PCP, NITRO-PCP, OXO-PCP, PCE, PCM, PCPY, TCP AND TCPY.

- 5 ~~(lvi)~~ (lvii) Pinazepam.
- 6 ~~(lvii)~~ (lviii) Prazepam.
- 7 ~~(lviii)~~ (lix) Scopolamine.
- 8 ~~(lix)~~ (lx) Sulfondiethylmethane.
- 9 ~~(lx)~~ (lxi) Sulfonethylmethane.
- 10 ~~(lxii)~~ (lxii) Sulfonmethane.
- 11 ~~(lxiii)~~ (lxiii) Quazepam.
- 12 ~~(lxiv)~~ (lxiv) Temazepam.
- 13 ~~(lxv)~~ (lxv) Tetrazepam.
- 14 ~~(lxvi)~~ (lxvi) Tiletamine.
- 15 ~~(lxvii)~~ (lxvii) Triazolam.
- 16 ~~(lxviii)~~ (lxviii) Zaleplon.
- 17 ~~(lxix)~~ (lxix) Zolazepam.
- 18 ~~(lxx)~~ (lxx) Zolpidem.

19 (e) Any material, compound, mixture or preparation ~~which~~ THAT contains
20 any quantity of the following anabolic steroids and their salts, isomers or
21 esters:

- 22 (i) Boldenone.
- 23 (ii) Clostebol (4-chlorotestosterone).
- 24 (iii) Dehydrochloromethyltestosterone.
- 25 (iv) Drostanolone.
- 26 (v) Ethylestrenol.
- 27 (vi) Fluoxymesterone.
- 28 (vii) Formebolone (formebolone).
- 29 (viii) Mesterolone.
- 30 (ix) Methandriol.
- 31 (x) Methandrostenolone (methandienone).
- 32 (xi) Methenolone.
- 33 (xii) Methyltestosterone.
- 34 (xiii) Mibolerone.
- 35 (xiv) Nandrolone.
- 36 (xv) Norethandrolon.
- 37 (xvi) Oxandrolone.
- 38 (xvii) Oxymesterone.
- 39 (xviii) Oxymetholone.
- 40 (xix) Stanolone (4-dihydrotestosterone).
- 41 (xx) Stanozolol.
- 42 (xxi) Testolactone.
- 43 (xxii) Testosterone.
- 44 (xxiii) Trenbolone.

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

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

4 9. "Dispense" means distribute, leave with, give away, dispose of or
5 deliver.

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

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

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

17 13. "Isoamidone" means any substance identified chemically as
18 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
19 substance, by whatever trade name designated.

20 14. "Isonipecaine" means any substance identified chemically as
21 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
22 such substance, by whatever trade name designated.

23 15. "Ketobemidone" means any substance identified chemically as
24 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
25 salt of such substance, by whatever trade name designated.

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

28 17. "Manufacture" means produce, prepare, propagate, compound, mix or
29 process, directly or indirectly, by extraction from substances of natural
30 origin or independently by means of chemical synthesis, or by a combination
31 of extraction and chemical synthesis. Manufacture includes any packaging or
32 repackaging or labeling or relabeling of containers. Manufacture does not
33 include any producing, preparing, propagating, compounding, mixing,
34 processing, packaging or labeling done in conformity with applicable state
35 and local laws and rules by a licensed practitioner incident to and in the
36 course of his licensed practice.

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

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

43 20. "Narcotic drugs" means the following, whether of natural or
44 synthetic origin and any substance neither chemically nor physically
45 distinguishable from them:

- 1 (a) Acetyl-alpha-methylfentanyl.
- 2 (b) Acetylmethadol.
- 3 (c) Alfentanil.
- 4 (d) Allylprodine.
- 5 (e) Alphacetylmethadol.
- 6 (f) Alphameprodine.
- 7 (g) Alphamethadol.
- 8 (h) Alpha-methylfentanyl.
- 9 (i) Alpha-methylthiofentanyl.
- 10 (j) Alphaprodine.
- 11 (k) Amidone (methadone).
- 12 (l) Anileridine.
- 13 (m) Benzethidine.
- 14 (n) Benzylfentanyl.
- 15 (o) Betacetylmethadol.
- 16 (p) Beta-hydroxyfentanyl.
- 17 (q) Beta-hydroxy-3-methylfentanyl.
- 18 (r) Betameprodine.
- 19 (s) Betamethadol.
- 20 (t) Betaprodine.
- 21 (u) Bezitramide.
- 22 (v) Buprenorphine and its salts.
- 23 (w) Cannabis.
- 24 (x) Carfentanil.
- 25 (y) Clonitazene.
- 26 (z) Coca leaves.
- 27 (aa) Dextromoramide.
- 28 (bb) Dextropropoxyphene.
- 29 (cc) Diampromide.
- 30 (dd) Diethylthiambutene.
- 31 (ee) Difenoazin.
- 32 (ff) Dihydrocodeine.
- 33 (gg) Dimenoxadol.
- 34 (hh) Dimepheptanol.
- 35 (ii) Dimethylthiambutene.
- 36 (jj) Dioxaphetyl butyrate.
- 37 (kk) Diphenoxylate.
- 38 (ll) Dipipanone.
- 39 (mm) Ethylmethylthiambutene.
- 40 (nn) Etonitazene.
- 41 (oo) Etoxidine.
- 42 (pp) Fentanyl.
- 43 (qq) FENTANYL MIMETIC SUBSTANCES THAT ARE ANY SUBSTANCES DERIVED FROM
- 44 FENTANYL BY ANY SUBSTITUTION IN THE PHENETHYL GROUP, ANY SUBSTITUTION IN THE
- 45 PIPERIDINE RING, ANY SUBSTITUTION IN THE ANILINE RING, ANY REPLACEMENT OF THE

1 PHENYL PORTION OF THE PHENETHYL GROUP, ANY REPLACEMENT OF THE N-PROPIONYL
2 GROUP OR ANY COMBINATION OF THE ABOVE.
3 ~~(qq)~~ (rr) Furethidine.
4 ~~(rr)~~ (ss) Hydroxypethidine.
5 ~~(ss)~~ (tt) Isoamidone (isomethadone).
6 ~~(tt)~~ (uu) Pethidine (meperidine).
7 ~~(uu)~~ (vv) Ketobemidone.
8 ~~(vv)~~ (ww) Levomethorphan.
9 ~~(ww)~~ (xx) Levomoramide.
10 ~~(xx)~~ (yy) Levophenacymorphan.
11 ~~(yy)~~ (zz) Levorphanol.
12 ~~(zz)~~ (aaa) Metazocine.
13 ~~(aaa)~~ (bbb) 3-methylfentanyl.
14 ~~(bbb)~~ (ccc) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
15 ~~(ccc)~~ (ddd) 3-methylthiofentanyl.
16 ~~(ddd)~~ (eee) Morpheridine.
17 ~~(eee)~~ (fff) Noracymethadol.
18 ~~(fff)~~ (ggg) Norlevorphanol.
19 ~~(ggg)~~ (hhh) Normethadone.
20 ~~(hhh)~~ (iii) Norpipanone.
21 ~~(iii)~~ (jjj) Opium.
22 ~~(jjj)~~ (kkk) Para-fluorofentanyl.
23 ~~(kkk)~~ (lll) Pentazocine.
24 ~~(lll)~~ (mmm) Phenadoxone.
25 ~~(mmm)~~ (nnn) Phenampromide.
26 ~~(nnn)~~ (ooo) Phenazocine.
27 ~~(ooo)~~ (ppp) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
28 ~~(ppp)~~ (qqq) Phenomorphan.
29 ~~(qqq)~~ (rrr) Phenoperidine.
30 ~~(rrr)~~ (sss) Piminodine.
31 ~~(sss)~~ (ttt) Piritramide.
32 ~~(ttt)~~ (uuu) Proheptazine.
33 ~~(uuu)~~ (vvv) Properidine.
34 ~~(vvv)~~ (www) Propiram.
35 ~~(www)~~ (xxx) Racemethorphan.
36 ~~(xxx)~~ (yyy) Racemoramide.
37 ~~(yyy)~~ (zzz) Racemorphan.
38 ~~(zzz)~~ (aaaa) Remifentanil.
39 ~~(aaaa)~~ (bbbb) Sufentanil.
40 ~~(bbbb)~~ (cccc) Thenylfentanyl.
41 ~~(cccc)~~ (dddd) Thiofentanyl.
42 ~~(dddd)~~ (eeee) Tilidine.
43 ~~(eeee)~~ (ffff) Trimeperidine.

1 21. "Opium" means any compound, manufacture, salt, isomer, salt of
2 isomer, derivative, mixture or preparation of the following, but does not
3 include apomorphine or any of its salts:

- 4 (a) Acetorphine.
- 5 (b) Acetyldihydrocodeine.
- 6 (c) Benzylmorphine.
- 7 (d) Codeine.
- 8 (e) Codeine methylbromide.
- 9 (f) Codeine-N-oxide.
- 10 (g) Cyprenorphine.
- 11 (h) Desomorphine.
- 12 (i) Dihydromorphine.
- 13 (j) Drotebanol.
- 14 (k) Ethylmorphine.
- 15 (l) Etorphine.
- 16 (m) Heroin.
- 17 (n) Hydrocodone.
- 18 (o) Hydromorphenol.
- 19 (p) Hydromorphone.
- 20 (q) Levo-alphaacetylmethadol.
- 21 (r) Methyldesorphine.
- 22 (s) Methyldihydromorphine.
- 23 (t) Metopon.
- 24 (u) Morphine.
- 25 (v) Morphine methylbromide.
- 26 (w) Morphine methylsulfonate.
- 27 (x) Morphine-N-oxide.
- 28 (y) Myrophine.
- 29 (z) Nalorphine.
- 30 (aa) Nicocodeine.
- 31 (bb) Nicomorphine.
- 32 (cc) Normorphine.
- 33 (dd) Oxycodone.
- 34 (ee) Oxymorphone.
- 35 (ff) Pholcodine.
- 36 (gg) Thebacon.
- 37 (hh) Thebaine.

38 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
39 phenylpropanolamine product" means a product that contains ephedrine,
40 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
41 all of the following:

- 42 (a) Approved for sale under the federal act.
- 43 (b) Labeled, advertised and marketed only for an indication that is
44 approved by the federal food and drug administration.
- 45 (c) Either:

1 (i) A nonliquid that is sold in package sizes of not more than three
2 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
3 phenylpropanolamine and that is packaged in blister packs containing not more
4 than two dosage units or, if the use of blister packs is technically
5 infeasible, that is packaged in unit dose packets or pouches.

6 (ii) A liquid that is sold in package sizes of not more than three
7 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
8 phenylpropanolamine.

9 23. "Peyote" means any part of a plant of the genus *Lophophora*, known
10 as the mescal button.

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

13 25. "Practitioner" means a person licensed to prescribe and administer
14 drugs.

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

- 18 (a) N-acetylanthranilic acid.
- 19 (b) Anthranilic acid.
- 20 (c) Ephedrine.
- 21 (d) Ergotamine.
- 22 (e) Isosafrole.
- 23 (f) Lysergic acid.
- 24 (g) Methylamine.
- 25 (h) N-ethylephedrine.
- 26 (i) N-ethylpseudoephedrine.
- 27 (j) N-methylephedrine.
- 28 (k) N-methylpseudoephedrine.
- 29 (l) Norephedrine.
- 30 (m) (-)-Norpseudoephedrine.
- 31 (n) Phenylacetic acid.
- 32 (o) Phenylpropanolamine.
- 33 (p) Piperidine.
- 34 (q) Pseudoephedrine.

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

- 38 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 39 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 40 (c) Chlorephedrine.
- 41 (d) Chlorpseudoephedrine.
- 42 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 43 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 44 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 45 (h) N-formyl amphetamine.

1 (i) N-formyl methamphetamine.

2 (j) Phenyl-2-propanone.

3 (k) 1-piperidinocyclohexane carbonitrile.

4 (l) 1-pyrrolidinocyclohexane carbonitrile.

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

7 (a) Any drug which because of its toxicity or other potentiality for
8 harmful effect, or the method of its use, or the collateral measures
9 necessary to its use, is not generally recognized among experts, qualified by
10 scientific training and experience to evaluate its safety and efficacy, as
11 safe for use except by or under the supervision of a medical practitioner.

12 (b) Any drug that is limited by an approved new drug application under
13 the federal act or section 32-1962 to use under the supervision of a medical
14 practitioner.

15 (c) Every potentially harmful drug, the labeling of which does not
16 bear or contain full and adequate directions for use by the consumer.

17 (d) Any drug required by the federal act to bear on its label the
18 legend "Caution: Federal law prohibits dispensing without prescription" or
19 "Rx only".

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

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

24 (a) Acetic anhydride.

25 (b) Hypophosphorous acid.

26 (c) Iodine.

27 (d) Sodium acetate.

28 (e) Red phosphorus.

29 (f) Gamma butyrolactone (GBL).

30 (g) 1, 4-butanediol.

31 (h) Butyrolactone.

32 (i) 1, 2 butanolide.

33 (j) 2-oxanalone.

34 (k) Tetrahydro-2-furanone.

35 (l) Dihydro-2(3H)-furanone.

36 (m) Tetramethylene glycol.

37 31. "Retailer" means either:

38 (a) A person other than a practitioner who sells any precursor
39 chemical or regulated chemical to another person for purposes of consumption
40 and not resale, whether or not the person possesses a permit issued pursuant
41 to title 32, chapter 18.

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

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

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

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

6 35. "Suspicious transaction" means a transaction to which any of the
7 following applies:

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

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

14 (c) The transaction involves payment for precursor or regulated
15 chemicals in cash or money orders in a total amount of more than two hundred
16 dollars.

17 (d) The transaction involves a sale, a transfer or furnishing to a
18 retailer for resale without a prescription of ephedrine, pseudoephedrine,
19 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
20 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
21 product.

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

24 (a) One gram of heroin.

25 (b) Nine grams of cocaine.

26 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
27 cocaine.

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

29 (e) Nine grams of methamphetamine, including methamphetamine in liquid
30 suspension.

31 (f) Nine grams of amphetamine, including amphetamine in liquid
32 suspension.

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

35 (h) Two pounds of marijuana.

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

40 (j) For any unlawful substance not listed in subdivisions (a) through
41 (h) of this paragraph or any combination involving any unlawful substance not
42 listed in subdivisions (a) through (h) of this paragraph, a value of at least
43 one thousand dollars.

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

1 38. "Vapor-releasing substance containing a toxic substance" means a
2 material which releases vapors or fumes containing any of the following:

3 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
4 isophorone and mesityl oxide.

5 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane
6 and halogenated hydrocarbons.

7 (c) Ethylene dichloride.

8 (d) Pentachlorophenol.

9 (e) Chloroform.

10 (f) Methylene chloride.

11 (g) Trichloroethylene.

12 (h) Difluoroethane.

13 (i) Tetrafluoroethane.

14 (j) Aldehydes, including formaldehyde.

15 (k) Acetates, including ethyl acetate and butyl acetate.

16 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
17 cumene.

18 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
19 alcohol, butyl alcohol and diacetone alcohol.

20 (n) Ether, including Diethyl ether and petroleum ether.

21 (o) Nitrous oxide.

22 (p) Amyl nitrite.

23 (q) Isobutyl nitrite.

24 39. "Weight" unless otherwise specified includes the entire weight of
25 any mixture or substance that contains a detectable amount of an unlawful
26 substance. If a mixture or substance contains more than one unlawful
27 substance, the weight of the entire mixture or substance is assigned to the
28 unlawful substance that results in the greater offense. If a mixture or
29 substance contains lysergic acid diethylamide, the offense that results from
30 the unlawful substance shall be based on the greater offense as determined by
31 the entire weight of the mixture or substance or the number of blotter dosage
32 units. For the purposes of this paragraph, "mixture" means any combination
33 of substances from which the unlawful substance cannot be removed without a
34 chemical process.

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

1 2. The sale for personal use of ephedrine, pseudoephedrine,
2 (-)-norpseudoephedrine or phenylpropanolamine products totaling four packages
3 or less.

4 3. The sale, transfer or furnishing of a precursor chemical or
5 regulated chemical by a wholesaler or manufacturer if both parties to the
6 transaction possess a valid and current permit issued pursuant to title 32,
7 chapter 18 and a valid and current precursor list I chemical distributor
8 registration or controlled substance distributor registration issued pursuant
9 to the federal act.

10 F. Any manufacturer, wholesaler, retailer or other person who sells,
11 transfers or otherwise furnishes any precursor chemical or regulated chemical
12 to any person in this state in a suspicious transaction shall report the
13 transaction in writing to the department of public safety.

14 G. A person who is regulated by the provisions of this chapter and who
15 discovers the theft, disappearance or other loss of any precursor chemical II
16 or regulated chemical or the excessive or unusual loss of any precursor
17 chemical I shall report the theft or loss in writing to the department of
18 public safety within three days after such discovery. Any difference between
19 the quantity of any precursor chemical II or regulated chemical received and
20 the quantity shipped and any excessive or unusual loss of any precursor
21 chemical I shipped shall be reported in writing to the department of public
22 safety within three days of actual knowledge of the discrepancy. A report
23 made pursuant to this subsection shall also include the name of the common
24 carrier or person who transports the substance and the date of shipment of
25 the substance.

26 H. ~~Any manufacturer, wholesaler, retailer or other person who sells,~~
27 ~~transfers or otherwise furnishes any precursor chemical or regulated chemical~~
28 ~~to any person in this state~~ AN ENTITY THAT IS REQUIRED TO REPORT PURSUANT TO
29 SUBSECTION A OF THIS SECTION shall maintain records as described in
30 subsection B OF THIS SECTION relating to all such transactions for not less
31 than two years, except that this requirement does not apply to sales for
32 personal use of ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine
33 or phenylpropanolamine products by a permitted retailer. These records shall
34 be open for inspection and copying by peace officers in the performance of
35 their duties. A peace officer shall not divulge pricing information obtained
36 pursuant to this subsection except in connection with a prosecution,
37 investigation, judicial proceeding or administrative proceeding or in
38 response to a judicial order.

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

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

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

- 1 3. The sale, transfer or furnishing of iodine either:
2 (a) In an amount of two ounces or less by weight.
3 (b) To a licensed or permitted wholesaler, health care facility,
4 pharmacy or practitioner.
5 (c) As a tincture of iodine or topical solution of iodine.
6 4. The sale, transfer or furnishing of red phosphorous in an amount of
7 less than four ounces.
8 5. The movement from one facility of a licensee or permittee to
9 another facility of the same licensee or permittee without sale.
10 6. The sale, transfer or furnishing of dietary supplements if all of
11 the following apply:
12 (a) The dietary supplements are not otherwise prohibited by law.
13 (b) The dietary supplements contain naturally occurring ephedrine,
14 ephedrine alkaloids or pseudoephedrine, or their salts, isomers or salts of
15 isomers, or a combination of these substances that both:
16 (i) Are contained in the matrix of organic material in which they
17 naturally occur.
18 (ii) Do not exceed five per cent of the total weight of the natural
19 product.
20 (c) The dietary supplements are manufactured and distributed for
21 legitimate use in a manner that reduces or eliminates the likelihood of
22 abuse.
23 (d) The dietary supplements are labeled in compliance with the dietary
24 supplement health and education act of 1994 (21 United States Code section
25 321).
26 J. The department of public safety shall grant an exemption from the
27 reporting requirements under subsection C **OF THIS SECTION** to any person who
28 supplies a precursor chemical or regulated chemical if the person can
29 demonstrate to the department's satisfaction that the recipient requires the
30 substance for a lawful purpose and that special circumstances prevent the
31 supplier from reporting the transaction to the department twenty-one days or
32 more before delivery.
33 ~~K. The director of the department of public safety may adopt rules to~~
34 ~~carry out the provisions of this section which are not inconsistent with the~~
35 ~~statutes of this state.~~
36 ~~L. K. A permitted manufacturer, wholesaler or retailer who sells,~~
37 ~~transfers or otherwise furnishes any precursor chemical or regulated chemical~~
38 ~~to any person in this state~~ **AN ENTITY THAT IS REQUIRED TO REPORT PURSUANT TO**
39 **SUBSECTION A OF THIS SECTION** may satisfy the reporting or record keeping
40 requirements of this section by submitting to the department of public safety
41 either:
42 1. Computer readable data from which all of the required information
43 may be derived.
44 2. Copies of reports that are filed pursuant to federal law and that
45 contain all of the information required by this section.

1 ~~M.~~ L. This chapter does not preclude any person, including a
2 licensee, permittee, manufacturer, wholesaler or retailer, from instituting
3 contact with and disclosing transactions or transaction records to
4 appropriate federal, state or local law enforcement agencies if the person
5 has information that may be relevant to a possible violation of any criminal
6 statute or to the evasion or attempted evasion of any reporting or record
7 keeping requirement of this chapter.

8 ~~N.~~ M. Any person, including a licensee, permittee, manufacturer,
9 wholesaler or retailer or any officer, employee or agent of any licensee,
10 permittee, manufacturer, wholesaler or retailer, that keeps or files a record
11 as prescribed by this section or that communicates or discloses information
12 or records under this section is not liable to its customer, a state or local
13 agency or any person for any loss or damage caused in whole or in part by the
14 making, filing or governmental use of the report or any information contained
15 in that report.

16 ~~O.~~ N. Notwithstanding any other law, a county, city or town shall not
17 enact an ordinance that is more restrictive than the requirements of this
18 section.

19 ~~P.~~ O. It is unlawful for a person to knowingly:
20 1. Fail to submit a report that is required by this section.
21 2. Fail to maintain a record that is required by this section.
22 3. Furnish false information or omit any material information in any
23 report or record that is required by this section.
24 4. Cause another person to furnish false information or to omit any
25 material information in any report or record that is required by this
26 section.
27 5. Participate in any wholesale or retail transaction or series of
28 transactions that is structured by a person with the intent to avoid the
29 filing by any party to the transaction of any report that is required by this
30 section.

31 ~~O.~~ P. A person who violates subsection ~~P~~ O, paragraph 3, 4 or 5 OF
32 THIS SECTION is guilty of a class 5 felony. A person who violates subsection
33 ~~P~~ O, paragraph 1 or 2 OF THIS SECTION is guilty of a class 6 felony.

34 Sec. 3. Emergency
35 This act is an emergency measure that is necessary to preserve the
36 public peace, health or safety and is operative immediately as provided by
37 law.