

REFERENCE TITLE: **carfentanil; fentanyl; threshold amount; minors**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1027

Introduced by
Senator Kern

AN ACT

**AMENDING SECTIONS 13-705, 13-3401 AND 13-3408, ARIZONA REVISED STATUTES;
AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3408.01; RELATING TO NARCOTIC DRUGS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-705, Arizona Revised Statutes, is amended to
3 read:

4 13-705. Dangerous crimes against children; sentences;
5 definitions

6 A. A person who is at least eighteen years of age and who is
7 convicted of a dangerous crime against children in the first degree
8 involving commercial sexual exploitation of a minor or child sex
9 trafficking and the person has previously been convicted of a dangerous
10 crime against children in the first degree shall be sentenced to
11 imprisonment in the custody of the state department of corrections for
12 natural life. A person who is sentenced to natural life is not eligible
13 for commutation, parole, work furlough, work release or release from
14 confinement on any basis for the remainder of the person's natural life.

15 B. A person who is at least eighteen years of age and who is
16 convicted of a dangerous crime against children in the first degree
17 involving sexual assault of a minor who is twelve years of age or younger
18 or sexual conduct with a minor who is twelve years of age or younger shall
19 be sentenced to life imprisonment and is not eligible for suspension of
20 sentence, probation, pardon or release from confinement on any basis
21 except as specifically authorized by section 31-233, subsection A or B
22 until the person has served thirty-five years or the sentence is commuted.
23 This subsection does not apply to masturbatory contact.

24 C. Except as otherwise provided in this section, a person who is at
25 least eighteen years of age or who has been tried as an adult and who is
26 convicted of a dangerous crime against children in the first degree
27 involving attempted first degree murder of a minor who is under twelve
28 years of age, sexual assault of a minor who is under twelve years of age,
29 sexual conduct with a minor who is under twelve years of age, ~~OR~~
30 manufacturing methamphetamine under circumstances that cause physical
31 injury to a minor who is under twelve years of age OR MANUFACTURING
32 CARFENTANIL, FENTANYL OR FENTANYL MIMETIC SUBSTANCES UNDER CIRCUMSTANCES
33 THAT CAUSE PHYSICAL INJURY TO A MINOR WHO IS UNDER TWELVE YEARS OF AGE may
34 be sentenced to life imprisonment and is not eligible for suspension of
35 sentence, probation, pardon or release from confinement on any basis
36 except as specifically authorized by section 31-233, subsection A or B
37 until the person has served thirty-five years or the sentence is commuted.
38 If a life sentence is not imposed pursuant to this subsection, the person
39 shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

42 D. Except as otherwise provided in this section, a person who is at
43 least eighteen years of age or who has been tried as an adult and who is
44 convicted of a dangerous crime against children in the first degree
45 involving second degree murder of a minor who is under fifteen years of

1 age may be sentenced to life imprisonment and is not eligible for
 2 suspension of sentence, probation, pardon or release from confinement on
 3 any basis except as specifically authorized by section 31-233, subsection
 4 A or B until the person has served thirty-five years or the sentence is
 5 commuted. If a life sentence is not imposed pursuant to this subsection,
 6 the person shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
25 years	30 years	35 years

9 E. Except as otherwise provided in this section, a person who is
 10 at least eighteen years of age or who has been tried as an adult and who
 11 is convicted of a dangerous crime against children in the first degree
 12 involving attempted first degree murder of a minor who is twelve, thirteen
 13 or fourteen years of age, sexual assault of a minor who is twelve,
 14 thirteen or fourteen years of age, taking a child for the purpose of
 15 prostitution, child sex trafficking, commercial sexual exploitation of a
 16 minor, sexual conduct with a minor who is twelve, thirteen or fourteen
 17 years of age, ~~OR~~ manufacturing methamphetamine under circumstances that
 18 cause physical injury to a minor who is twelve, thirteen or fourteen years
 19 of age OR MANUFACTURING CARFENTANIL, FENTANYL OR FENTANYL MIMETIC
 20 SUBSTANCES UNDER CIRCUMSTANCES THAT CAUSE PHYSICAL INJURY TO A MINOR WHO
 21 IS TWELVE, THIRTEEN OR FOURTEEN YEARS OF AGE or involving or using minors
 22 in drug offenses shall be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

25 A person who has been previously convicted of one predicate felony shall
 26 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
23 years	30 years	37 years

29 F. Except as otherwise provided in this section, a person who is at
 30 least eighteen years of age or who has been tried as an adult and who is
 31 convicted of a dangerous crime against children in the first degree
 32 involving aggravated assault, unlawful mutilation, molestation of a child,
 33 sexual exploitation of a minor, aggravated luring a minor for sexual
 34 exploitation, child abuse or kidnapping shall be sentenced to a term of
 35 imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	17 years	24 years

38 A person who has been previously convicted of one predicate felony shall
 39 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

42 G. Except as otherwise provided in this section, if a person is at
 43 least eighteen years of age or has been tried as an adult and is convicted
 44 of a dangerous crime against children involving luring a minor for sexual
 45 exploitation, sexual extortion or unlawful age misrepresentation and is

1 sentenced to a term of imprisonment, the term of imprisonment is as
 2 follows and the person is not eligible for release from confinement on any
 3 basis except as specifically authorized by section 31-233, subsection A or
 4 B until the sentence imposed by the court has been served or is commuted,
 5 except that if the person is convicted of unlawful age misrepresentation
 6 the person is eligible for release pursuant to section 41-1604.07:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
5 years	10 years	15 years

9 A person who has been previously convicted of one predicate felony shall
 10 be sentenced to a term of imprisonment as follows and the person is not
 11 eligible for suspension of sentence, probation, pardon or release from
 12 confinement on any basis except as specifically authorized by section
 13 31-233, subsection A or B until the sentence imposed by the court has been
 14 served or is commuted, except that if the person is convicted of unlawful
 15 age misrepresentation the person is eligible for release pursuant to
 16 section 41-1604.07:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

19 H. Except as otherwise provided in this section, if a person is at
 20 least eighteen years of age or has been tried as an adult and is convicted
 21 of a dangerous crime against children involving sexual abuse or bestiality
 22 under section 13-1411, subsection A, paragraph 2 and is sentenced to a
 23 term of imprisonment, the term of imprisonment is as follows and the
 24 person is not eligible for release from confinement on any basis except as
 25 specifically authorized by section 31-233, subsection A or B until the
 26 sentence imposed by the court has been served, the person is eligible for
 27 release pursuant to section 41-1604.07 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2.5 years	5 years	7.5 years

30 A person who has been previously convicted of one predicate felony shall
 31 be sentenced to a term of imprisonment as follows and the person is not
 32 eligible for suspension of sentence, probation, pardon or release from
 33 confinement on any basis except as specifically authorized by section
 34 31-233, subsection A or B until the sentence imposed by the court has been
 35 served, the person is eligible for release pursuant to section 41-1604.07
 36 or the sentence is commuted:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
8 years	15 years	22 years

39 I. Except as otherwise provided in this section, a person who is at
 40 least eighteen years of age or who has been tried as an adult and who is
 41 convicted of a dangerous crime against children in the first degree
 42 involving continuous sexual abuse of a child shall be sentenced to a term
 43 of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
39 years	60 years	81 years

1 A person who has been previously convicted of one predicate felony shall
2 be sentenced to a term of imprisonment as follows:

3	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
4	69 years	90 years	111 years

5 J. The presumptive sentences prescribed in subsections C, D, E, and
6 F and I of this section or subsections G and H of this section if the
7 person has previously been convicted of a predicate felony may be
8 increased or decreased pursuant to section 13-701, subsections C, D and E.

9 K. Except as provided in subsections G, H, M and N of this section,
10 a person who is sentenced for a dangerous crime against children in the
11 first degree pursuant to this section is not eligible for suspension of
12 sentence, probation, pardon or release from confinement on any basis
13 except as specifically authorized by section 31-233, subsection A or B
14 until the sentence imposed by the court has been served or commuted.

15 L. A person who is convicted of any dangerous crime against
16 children in the first degree pursuant to subsection C, D, E, ~~or~~ F or I of
17 this section and who has been previously convicted of two or more
18 predicate felonies shall be sentenced to life imprisonment and is not
19 eligible for suspension of sentence, probation, pardon or release from
20 confinement on any basis except as specifically authorized by section
21 31-233, subsection A or B until the person has served not fewer than
22 thirty-five years or the sentence is commuted.

23 M. Notwithstanding chapter 10 of this title, a person who is at
24 least eighteen years of age or who has been tried as an adult and who is
25 convicted of a dangerous crime against children in the second degree
26 pursuant to subsection B, C, E, ~~or~~ F or I of this section is guilty of a
27 class 3 felony and if the person is sentenced to a term of imprisonment,
28 the term of imprisonment is as follows and the person is not eligible for
29 release from confinement on any basis except as specifically authorized by
30 section 31-233, subsection A or B until the person has served the sentence
31 imposed by the court, the person is eligible for release pursuant to
32 section 41-1604.07 or the sentence is commuted:

33	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
34	5 years	10 years	15 years

35 N. A person who is convicted of any dangerous crime against
36 children in the second degree and who has been previously convicted of one
37 or more predicate felonies is not eligible for suspension of sentence,
38 probation, pardon or release from confinement on any basis except as
39 specifically authorized by section 31-233, subsection A or B until the
40 sentence imposed by the court has been served, the person is eligible for
41 release pursuant to section 41-1604.07 or the sentence is commuted.

42 O. Section 13-704, subsection J and section 13-707, subsection B
43 apply to the determination of prior convictions.

44 P. The sentence imposed on a person by the court for a dangerous
45 crime against children under subsection H of this section involving sexual

1 abuse may be served concurrently with other sentences if the offense
2 involved only one victim. The sentence imposed on a person for any other
3 dangerous crime against children in the first or second degree shall be
4 consecutive to any other sentence imposed on the person at any time,
5 including sexual abuse of the same victim.

6 Q. In this section, for purposes of punishment an unborn child
7 shall be treated like a minor who is under twelve years of age.

8 R. A dangerous crime against children is in the first degree if it
9 is a completed offense and is in the second degree if it is a preparatory
10 offense, except attempted first degree murder is a dangerous crime against
11 children in the first degree.

12 S. It is not a defense to a dangerous crime against children that
13 the minor is a person posing as a minor or is otherwise fictitious if the
14 defendant knew or had reason to know the purported minor was under fifteen
15 years of age.

16 T. For the purposes of this section:

17 1. "Dangerous crime against children" means any of the following
18 that is committed against a minor who is under fifteen years of age:

19 (a) Second degree murder.

20 (b) Aggravated assault resulting in serious physical injury or
21 involving the discharge, use or threatening exhibition of a deadly weapon
22 or dangerous instrument.

23 (c) Sexual assault.

24 (d) Molestation of a child.

25 (e) Sexual conduct with a minor.

26 (f) Commercial sexual exploitation of a minor.

27 (g) Sexual exploitation of a minor.

28 (h) Child abuse as prescribed in section 13-3623, subsection A,
29 paragraph 1.

30 (i) Kidnapping.

31 (j) Sexual abuse.

32 (k) Taking a child for the purpose of prostitution as prescribed in
33 section 13-3206.

34 (l) Child sex trafficking as prescribed in section 13-3212.

35 (m) Involving or using minors in drug offenses.

36 (n) Continuous sexual abuse of a child.

37 (o) Attempted first degree murder.

38 (p) Sex trafficking.

39 (q) Manufacturing methamphetamine under circumstances that cause
40 physical injury to a minor.

41 (r) Bestiality as prescribed in section 13-1411, subsection A,
42 paragraph 2.

43 (s) Luring a minor for sexual exploitation.

44 (t) Aggravated luring a minor for sexual exploitation.

45 (u) Unlawful age misrepresentation.

1 (v) Unlawful mutilation.

2 (w) Sexual extortion as prescribed in section 13-1428.

3 (x) MANUFACTURING CARFENTANIL, FENTANYL OR FENTANYL MIMETIC
4 SUBSTANCES UNDER CIRCUMSTANCES THAT CAUSE PHYSICAL INJURY TO A MINOR.

5 2. "Predicate felony" means any felony involving child abuse
6 pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense,
7 conduct involving the intentional or knowing infliction of serious
8 physical injury or the discharge, use or threatening exhibition of a
9 deadly weapon or dangerous instrument, or a dangerous crime against
10 children in the first or second degree.

11 Sec. 2. Section 13-3401, Arizona Revised Statutes, is amended to
12 read:

13 13-3401. Definitions

14 In this chapter, unless the context otherwise requires:

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

17 2. "Amidone" means any substance identified chemically as
18 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance,
19 by whatever trade name designated.

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

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

23 (a) The resin extracted from any part of a plant of the genus
24 cannabis, and every compound, manufacture, salt, derivative, mixture or
25 preparation of such plant, its seeds or its resin. Cannabis does not
26 include oil or cake made from the seeds of such plant, any fiber,
27 compound, manufacture, salt, derivative, mixture or preparation of the
28 mature stalks of such plant except the resin extracted from the stalks or
29 any fiber, oil or cake or the sterilized seed of such plant which is
30 incapable of germination.

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

33 5. "Coca leaves" means cocaine, its optical isomers and any
34 compound, manufacture, salt, derivative, mixture or preparation of coca
35 leaves, except derivatives of coca leaves which do not contain cocaine,
36 ecgonine or substances from which cocaine or ecgonine may be synthesized
37 or made.

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

40 (a) Any material, compound, mixture or preparation that contains
41 any quantity of the following hallucinogenic substances and their salts,
42 isomers, whether optical, positional or geometric, and salts of isomers,
43 unless specifically excepted, whenever the existence of such salts,
44 isomers and salts of isomers is possible within the specific chemical
45 designation:

- 1 (i) Alpha-ethyltryptamine.
- 2 (ii) Alpha-methyltryptamine.
- 3 (iii) (2-aminopropyl) benzofuran (APB).
- 4 (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).
- 5 (v) Aminorex.
- 6 (vi) 4-bromo-2, 5-dimethoxyphenethylamine.
- 7 (vii) 4-bromo-2, 5-dimethoxyamphetamine.
- 8 (viii) Bufotenine.
- 9 (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
- 10 (x) Diethyltryptamine.
- 11 (xi) 2, 5-dimethoxyamphetamine.
- 12 (xii) Dimethyltryptamine.
- 13 (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
- 14 (xiv) 5-methoxy-alpha-methyltryptamine.
- 15 (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 16 (xvi) 4-methyl-2, 5-dimethoxyamphetamine.
- 17 (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- 18 (xviii) Ibogaine.
- 19 (xix) Lysergic acid amide.
- 20 (xx) Lysergic acid diethylamide.
- 21 (xxi) Mescaline.
- 22 (xxii) 4-methoxyamphetamine.
- 23 (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- 24 (xxiv) Methylenedioxyamphetamine (MDA).
- 25 (xxv) 3, 4-methylenedioxymethamphetamine.
- 26 (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- 27 (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- 28 (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 29 (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- 30 (xxx) N-methyltryptamine mimetic substances that are any substances
 31 derived from N-methyltryptamine by any substitution at the nitrogen, any
 32 substitution at the indole ring, any substitution at the alpha carbon, any
 33 substitution at the beta carbon or any combination of the above.
 34 N-methyltryptamine mimetic substances do not include melatonin
 35 (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine
 36 generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT,
 37 DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT,
 38 MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- 39 (xxxii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 40 (xxxiii) Nabilone.
- 41 (xxxiv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 42 (xxxv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 43 (xxxvi) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 44 (xxxvii) Para-methoxyamphetamine (PMA).
- 45 (xxxviii) Psilacetin.

- 1 (xxxviii) Psilocybin.
 2 (xxxix) Psilocyn.
 3 (xl) Synhexyl.
 4 (xli) Trifluoromethylphenylpiperazine (TFMPP).
 5 (xlii) Trimethoxyamphetamine (TMA).
 6 (xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
 7 (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
 8 (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
 9 (xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
 10 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
 11 and isomers).
 12 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
 13 isomers).
 14 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
 15 (JWH-015 and isomers).
 16 (l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-
 17 YL)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210).
 18 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
 19 (CP 47,497 and isomers).
 20 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
 21 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
 22 (b) Any material, compound, mixture or preparation that contains
 23 any quantity of cannabimimetic substances and their salts, isomers,
 24 whether optical, positional or geometric, and salts of isomers, unless
 25 specifically excepted, whenever the existence of such salts, isomers and
 26 salts of isomers is possible within the specific chemical designation.
 27 For the purposes of this subdivision, "cannabimimetic substances" means
 28 any substances within the following structural classes:
 29 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
 30 5-position of the phenolic ring by alkyl or alkenyl, whether or not
 31 substituted on the cyclohexyl ring to any extent. Substances in the
 32 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,
 33 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
 34 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by
 35 substitution at the nitrogen atom of the indole ring, whether or not
 36 further substituted on the indole ring to any extent, whether or not
 37 substituted on the naphthoyl or naphthyl ring to any extent. Substances
 38 in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,
 39 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
 40 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,
 41 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,
 42 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,
 43 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,
 44 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,
 45 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,

1 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,
2 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

3 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by
4 substitution at one or both of the nitrogen atoms of the indazole ring,
5 whether or not further substituted on the indazole ring to any extent,
6 whether or not substituted on the naphthoyl ring to any extent.
7 Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole
8 generic definition include THJ2201 and THJ-018.

9 (iv) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of
10 the pyrrole ring, whether or not further substituted in the pyrrole ring
11 to any extent, whether or not substituted on the naphthoyl ring to any
12 extent. Substances in the 3-(naphthoyl)pyrrole generic definition include
13 JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,
14 JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,
15 JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,
16 JWH-373 and JWH-392.

17 (v) 1-(naphthylmethylene)indene by substitution of the 3-position
18 of the indene ring, whether or not further substituted in the indene ring
19 to any extent, whether or not substituted on the naphthyl ring to any
20 extent. Substances in the 1-(naphthylmethylene)indene generic definition
21 include JWH-176.

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

31 (vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)
32 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen
33 atom of the indole ring, whether or not further substituted in the indole
34 ring to any extent, whether or not substituted on the cyclopropyl,
35 cyclobutyl or cyclopentyl rings to any extent. Substances in the
36 3-(cyclopropylmethanone) indole generic definition include UR-144,
37 fluoro-UR-144 and XLR-11.

38 (viii) 3-adamantoylindole with substitution at the nitrogen atom of
39 the indole ring, whether or not further substituted on the indole ring to
40 any extent, whether or not substituted on the adamantyl ring to any
41 extent. Substances in the 3-adamantoylindole generic definition include
42 AB-001.

43 (ix) N-(adamantyl)-indole-3-carboxamide with substitution at the
44 nitrogen atom of the indole ring, whether or not further substituted on
45 the indole ring to any extent, whether or not substituted on the adamantyl

1 ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide
2 generic definition include SDB-001.

3 (x) Indole-3-carboxamide or indazole-3-carboxamide with
4 substitution at the nitrogen atom of the indole ring or by substitution at
5 one or both of the nitrogen atoms of the indazole ring, whether or not
6 further substituted on the indole ring or the indazole ring to any extent,
7 whether or not substituted on the nitrogen of the carboxamide to any
8 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide
9 generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA,
10 AB-FUBINACA, ABICA and ADBICA.

11 (xi) 8-Quinolinyln-indole-3-carboxylate or 8-quinolinyln-indazole-3-
12 carboxylate by substitution at the nitrogen atom of the indole ring or by
13 substitution at one or both of the nitrogen atoms of the indazole ring,
14 whether or not further substituted in the indole ring or indazole ring to
15 any extent, whether or not substituted on the quinoline ring to any
16 extent. Substances in the 8-quinolinyln-indole-3-carboxylate or the
17 8-quinolinyln-indazole-3-carboxylate generic definition include PB-22,
18 fluoro-PB-22, NPB-22 and fluoro-NPB-22.

19 (xii) Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-
20 carboxylate by substitution at the nitrogen atom of the indole ring or by
21 substitution at one or both of the nitrogen atoms of the indazole ring,
22 whether or not further substituted in the indole or indazole ring to any
23 extent, whether or not substituted on the naphthalenyl ring to any extent.
24 Substances in the naphthalenyl-indole-3-carboxylate or
25 naphthalenyl-indazole-3-carboxylate generic definition include NM2201,
26 FDU-PB-22, SDB-005 and fluoro SDB-005.

27 (c) Any material, compound, mixture or preparation that contains
28 any quantity of the following substances and their salts, isomers, whether
29 optical, positional or geometric, and salts of isomers having a potential
30 for abuse associated with a stimulant effect on the central nervous
31 system:

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

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

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

35 (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).

36 (v) Aminoindane mimetic substances that are derived from
37 aminoindane by any substitution at the indane ring, replacement of the
38 amino group with another N group or any combination of the above.
39 Substances in the aminoindane generic definition include MDAI, MMAI, IAI
40 and AMMI.

41 (vi) Amphetamine.

42 (vii) Benzphetamine.

43 (viii) Benzylpiperazine (BZP).

44 (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

45 (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

- 1 (xi) Butorphanol.
- 2 (xii) Cathine ((+)-norpseudoephedrine).
- 3 (xiii) Cathinomimetic substances that are any substances derived
- 4 from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the
- 5 phenyl ring, any substitution at the 3 position, any substitution at the
- 6 nitrogen atom or any combination of the above substitutions.
- 7 (xiv) Cathinone.
- 8 (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 9 (xvi) Chlorphentermine.
- 10 (xvii) Clortermine.
- 11 (xviii) Diethylpropion.
- 12 (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
- 13 (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 14 (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 15 (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- 16 (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 17 (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 18 (xxv) Dimethylcathinone (Metamfepramone).
- 19 (xxvi) Ethcathinone.
- 20 (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- 21 (xxviii) Fencamfamin.
- 22 (xxix) Fenethylamine.
- 23 (xxx) Fenproporex.
- 24 (xxxi) Fluoroamphetamine.
- 25 (xxxii) Fluoromethamphetamine.
- 26 (xxxiii) Fluoromethcathinone.
- 27 (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 28 (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine(2C-T-4).
- 29 (xxxvi) Mazindol.
- 30 (xxxvii) Mefenorex.
- 31 (xxxviii) Methamphetamine.
- 32 (xxxix) Methcathinone.
- 33 (xl) Methiopropamine.
- 34 (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 35 (xlii) Methoxymethcathinone (methedrone).
- 36 (xliii) Methoxyphenethylamine mimetic substances that are any
- 37 substances derived from 2, 5-dimethoxy-phenethylamine by any substitution
- 38 at the phenyl ring, any substitution at the nitrogen atom, any
- 39 substitutions at the carbon atoms of the ethylamine, or any combination of
- 40 the above substitutions.
- 41 (xliv) 4-methylaminorex.
- 42 (xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
- 43 (xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- 44 (xlvii) Methylenedioxyethcathinone (Ethylone).
- 45 (xlviii) Methylenedioxymethcathinone (Methylone).

- 1 (xlix) Methylenedioxypropylamphetamine (MDPV).
- 2 (l) Methylmethcathinone (Mephedrone).
- 3 (li) Methylphenidate.
- 4 (lii) Modafinil.
- 5 (liii) Naphthylpyrovalerone (Naphyrone).
- 6 (liv) N-ethylamphetamine.
- 7 (lv) N, N-dimethylamphetamine.
- 8 (lvi) Pemoline.
- 9 (lvii) Phendimetrazine.
- 10 (lviii) Phenmetrazine.
- 11 (lix) Phentermine.
- 12 (lx) Pipradol.
- 13 (lxi) Propylhexedrine.
- 14 (lxii) Pyrovalerone.
- 15 (lxiii) Sibutramine.
- 16 (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 17 (d) Any material, compound, mixture or preparation that contains
- 18 any quantity of the following substances having a potential for abuse
- 19 associated with a depressant effect on the central nervous system:
- 20 (i) Any substance which contains any quantity of a derivative of
- 21 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 22 specifically excepted.
- 23 (ii) Alprazolam.
- 24 (iii) Bromazepam.
- 25 (iv) Camazepam.
- 26 (v) Carisoprodol.
- 27 (vi) Chloral betaine.
- 28 (vii) Chloral hydrate.
- 29 (viii) Chlordiazepoxide.
- 30 (ix) Chlorhexadol.
- 31 (x) Clobazam.
- 32 (xi) Clonazepam.
- 33 (xii) Clorazepate.
- 34 (xiii) Clotiazepam.
- 35 (xiv) Cloxazolam.
- 36 (xv) Delorazepam.
- 37 (xvi) Diazepam.
- 38 (xvii) Dichloralphenazone.
- 39 (xviii) Estazolam.
- 40 (xix) Ethchlorvynol.
- 41 (xx) Ethinamate.
- 42 (xxi) Ethyl loflazepate.
- 43 (xxii) Etizolam.
- 44 (xxiii) Fenfluramine.
- 45 (xxiv) Fludiazepam.

- 1 (xxv) Flunitrazepam.
- 2 (xxvi) Flurazepam.
- 3 (xxvii) Gamma hydroxy butyrate.
- 4 (xxviii) Glutethimide.
- 5 (xxix) Halazepam.
- 6 (xxx) Haloxazolam.
- 7 (xxxi) Hydroxyphencyclidine (HO-PCP).
- 8 (xxxii) Ketamine.
- 9 (xxxiii) Ketazolam.
- 10 (xxxiv) Loprazolam.
- 11 (xxxv) Lorazepam.
- 12 (xxxvi) Lormetazepam.
- 13 (xxxvii) Lysergic acid.
- 14 (xxxviii) Mebutamate.
- 15 (xxxix) Mecloqualone.
- 16 (xl) Medazepam.
- 17 (xli) Meprobamate.
- 18 (xlii) Methaqualone.
- 19 (xliii) Methohexital.
- 20 (xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone
- 21 (Methoxetamine).
- 22 (xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone
- 23 (Methoxyketamine).
- 24 (xlvi) Methoxyphencyclidine(MeO-PCP).
- 25 (xlvii) Methyprylon.
- 26 (xlviii) Midazolam.
- 27 (xlix) Nimetazepam.
- 28 (l) Nitrazepam.
- 29 (li) Nordiazepam.
- 30 (lii) Oxazepam.
- 31 (liii) Oxazolam.
- 32 (liv) Paraldehyde.
- 33 (lv) Petrichloral.
- 34 (lvi) Phencyclidine (PCP).
- 35 (lvii) Phencyclidine mimetic substances that are any substances
- 36 derived from phenylcyclohexylpiperidine by any substitution at the phenyl
- 37 ring, any substitution at the piperidine ring, any substitution at the
- 38 cyclohexyl ring, any replacement of the phenyl ring or any combination of
- 39 the above. Substances in the phenylcyclohexylpiperidine generic
- 40 definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP,
- 41 Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM,
- 42 PCPY, TCP and TCPY.
- 43 (lviii) Pinazepam.
- 44 (lix) Prazepam.
- 45 (lx) Scopolamine.

- 1 (lxi) Sulfondiethylmethane.
- 2 (lxii) Sulfonethylmethane.
- 3 (lxiii) Sulfonmethane.
- 4 (lxiv) Quazepam.
- 5 (lxv) Temazepam.
- 6 (lxvi) Tetrazepam.
- 7 (lxvii) Tiletamine.
- 8 (lxviii) Triazolam.
- 9 (lxix) Zaleplon.
- 10 (lxx) Zolazepam.
- 11 (lxxi) Zolpidem.
- 12 (lxxii) Zopiclone.

13 (e) Any material, compound, mixture or preparation that contains
14 any quantity of the following anabolic steroids and their salts, isomers
15 or esters:

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

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

42 8. "Director" means the director of the department of health
43 services.

44 9. "Dispense" means distribute, leave with, give away, dispose of
45 or deliver.

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

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

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

13 13. "Isoamidone" means any substance identified chemically as
14 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
15 substance, by whatever trade name designated.

16 14. "Isonipecaine" means any substance identified chemically as
17 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt
18 of such substance, by whatever trade name designated.

19 15. "Ketobemidone" means any substance identified chemically as
20 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or
21 any salt of such substance, by whatever trade name designated.

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

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

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

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

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

- 43 (a) Acetyl-alpha-methylfentanyl.
- 44 (b) Acetylmethadol.
- 45 (c) Alfentanil.

- 1 (d) Allylprodine.
- 2 (e) Alphacetylmethadol.
- 3 (f) Alphameprodine.
- 4 (g) Alphamethadol.
- 5 (h) Alpha-methylfentanyl.
- 6 (i) Alpha-methylthiofentanyl.
- 7 (j) Alphaprodine.
- 8 (k) Amidone (methadone).
- 9 (l) Anileridine.
- 10 (m) Benzethidine.
- 11 (n) Benzylfentanyl.
- 12 (o) Betacetylmethadol.
- 13 (p) Beta-hydroxyfentanyl.
- 14 (q) Beta-hydroxy-3-methylfentanyl.
- 15 (r) Betameprodine.
- 16 (s) Betamethadol.
- 17 (t) Betaprodine.
- 18 (u) Bezitramide.
- 19 (v) Buprenorphine and its salts.
- 20 (w) Cannabis.
- 21 (x) Carfentanil.
- 22 (y) 4-chloro-n-[-1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benz
- 23 enesulfonamide (W-18).
- 24 (z) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]
- 25 benzenesulfonamide (W-15).
- 26 (aa) Clonitazene.
- 27 (bb) Coca leaves.
- 28 (cc) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
- 29 (dd) Dextromoramide.
- 30 (ee) Dextropropoxyphene.
- 31 (ff) Diampromide.
- 32 (gg) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-benzamid
- 33 e (AH-7921).
- 34 (hh) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide
- 35 (U-47700).
- 36 (ii) Diethylthiambutene.
- 37 (jj) Difenoxyin.
- 38 (kk) Dihydrocodeine.
- 39 (ll) Dimenoxadol.
- 40 (mm) Dimepheptanol.
- 41 (nn) Dimethylthiambutene.
- 42 (oo) Dioxaphetyl butyrate.
- 43 (pp) Diphenidine (DEP).
- 44 (qq) Diphenoxylate.
- 45 (rr) Dipipanone.

- 1 (ss) Ephedrine.
- 2 (tt) Ethylmethylthiambutene.
- 3 (uu) Etonitazene.
- 4 (vv) Etoxeridine.
- 5 (ww) Fentanyl.
- 6 (xx) Fentanyl mimetic substances that are any substances derived
- 7 from fentanyl by any substitution in the phenethyl group, any substitution
- 8 in the piperidine ring, any substitution in the aniline ring, any
- 9 replacement of the phenyl portion of the phenethyl group, any replacement
- 10 of the N-propionyl group or any combination of the above.
- 11 (yy) Furethidine.
- 12 (zz) Hydroxypethidine.
- 13 (aaa) Isoamidone (isomethadone).
- 14 (bbb) Isophenidine.
- 15 (ccc) Pethidine (meperidine).
- 16 (ddd) Ketobemidone.
- 17 (eee) Lefetamine.
- 18 (fff) Levomethorphan.
- 19 (ggg) Levomoramide.
- 20 (hhh) Levophenacymorphan.
- 21 (iii) Levorphanol.
- 22 (jjj) Metazocine.
- 23 (kkk) Methoxphenidine (MXP).
- 24 (lll) 3-methylfentanyl.
- 25 (mmm) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 26 (nnn) 3-methylthiofentanyl.
- 27 (ooo) Morpheridine.
- 28 (ppp) Noracymethadol.
- 29 (qqq) Norlevorphanol.
- 30 (rrr) Normethadone.
- 31 (sss) Norpipanone.
- 32 (ttt) Opium.
- 33 (uuu) Para-fluorofentanyl.
- 34 (vvv) Pentazocine.
- 35 (www) Phenadoxone.
- 36 (xxx) Phenampromide.
- 37 (yyy) Phenazocine.
- 38 (zzz) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 39 (aaaa) Phenomorphan.
- 40 (bbbb) Phenoperidine.
- 41 (cccc) Piminodine.
- 42 (dddd) Piritramide.
- 43 (eeee) Proheptazine.
- 44 (ffff) Properidine.
- 45 (gggg) Propiram.

- 1 (hhhh) Racemethorphan.
- 2 (iiii) Racemoramide.
- 3 (jjjj) Racemorphan.
- 4 (kkkk) Remifentanil.
- 5 (llll) Sufentanil.
- 6 (mmmm) Thenylfentanyl.
- 7 (nnnn) Thiofentanyl.
- 8 (oooo) Tilidine.
- 9 (pppp) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)
- 10 cyclohexanol, and its salts, optical and geometric isomers, and its salts
- 11 of isomers.
- 12 (qqqq) Trimeperidine.
- 13 21. "Opium" means any compound, manufacture, salt, isomer, salt of
- 14 isomer, derivative, mixture or preparation of the following, but does not
- 15 include apomorphine or any of its salts:
- 16 (a) Acetorphine.
- 17 (b) Acetyldihydrocodeine.
- 18 (c) Benzylmorphine.
- 19 (d) Codeine.
- 20 (e) Codeine methylbromide.
- 21 (f) Codeine-N-oxide.
- 22 (g) Cyprenorphine.
- 23 (h) Desomorphine.
- 24 (i) Dihydromorphine.
- 25 (j) Drotebanol.
- 26 (k) Ethylmorphine.
- 27 (l) Etorphine.
- 28 (m) Heroin.
- 29 (n) Hydrocodone.
- 30 (o) Hydromorphinol.
- 31 (p) Hydromorphone.
- 32 (q) Levo-alphaacetylmethadol.
- 33 (r) Methyldesorphine.
- 34 (s) Methyldihydromorphine.
- 35 (t) Metopon.
- 36 (u) Morphine.
- 37 (v) Morphine methylbromide.
- 38 (w) Morphine methylsulfonate.
- 39 (x) Morphine-N-oxide.
- 40 (y) Myrophine.
- 41 (z) Nalorphine.
- 42 (aa) Nicocodeine.
- 43 (bb) Nicomorphine.
- 44 (cc) Normorphine.
- 45 (dd) Oxycodone.

1 (ee) Oxymorphone.

2 (ff) Pholcodine.

3 (gg) Thebacon.

4 (hh) Thebaine.

5 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
6 phenylpropanolamine product" means a product that contains ephedrine,
7 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
8 all of the following:

9 (a) Approved for sale under the federal act.

10 (b) Labeled, advertised and marketed only for an indication that is
11 approved by the federal food and drug administration.

12 (c) Either:

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

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

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

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

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

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

30 (a) N-acetylanthranilic acid.

31 (b) Anthranilic acid.

32 (c) Ephedrine.

33 (d) Ergotamine.

34 (e) Isosafrole.

35 (f) Lysergic acid.

36 (g) Methylamine.

37 (h) N-ethylephedrine.

38 (i) N-ethylpseudoephedrine.

39 (j) N-methylephedrine.

40 (k) N-methylpseudoephedrine.

41 (l) Norephedrine.

42 (m) (-)-Norpseudoephedrine.

43 (n) Phenylacetic acid.

44 (o) Phenylpropanolamine.

45 (p) Piperidine.

1 (q) Pseudoephedrine.

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

5 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.

6 (b) 4-cyano-1-methyl-4-phenylpiperidine.

7 (c) Chlorephedrine.

8 (d) Chlorpseudoephedrine.

9 (e) Ethyl-4-phenylpiperidine-4-carboxylate.

10 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

11 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

12 (h) N-formyl amphetamine.

13 (i) N-formyl methamphetamine.

14 (j) Phenyl-2-propanone.

15 (k) 1-piperidinocyclohexane carbonitrile.

16 (l) 1-pyrrolidinocyclohexane carbonitrile.

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

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

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

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

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

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

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

37 (a) Acetic anhydride.

38 (b) Hypophosphorous acid.

39 (c) Iodine.

40 (d) Sodium acetate.

41 (e) Red phosphorus.

42 (f) Gamma butyrolactone (GBL).

43 (g) 1, 4-butanediol.

44 (h) Butyrolactone.

45 (i) 1, 2 butanolide.

1 (j) 2-oxanalone.

2 (k) Tetrahydro-2-furanone.

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

4 (m) Tetramethylene glycol.

5 31. "Retailer" means either:

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

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

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

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

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

20 35. "Suspicious transaction" means a transaction to which any of
21 the following applies:

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

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

29 (c) The transaction involves payment for precursor or regulated
30 chemicals in cash or money orders in a total amount of more than \$200.

31 (d) The transaction involves a sale, a transfer or furnishing to a
32 retailer for resale without a prescription of ephedrine, pseudoephedrine,
33 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
34 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
35 product.

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

38 (a) One gram of heroin.

39 (b) Nine grams of cocaine.

40 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
41 cocaine.

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

43 (e) Nine grams of methamphetamine, including methamphetamine in
44 liquid suspension.

- 1 (f) Nine grams of amphetamine, including amphetamine in liquid
2 suspension.
- 3 (g) One-half milliliter of lysergic acid diethylamide, or in the
4 case of blotter dosage units fifty dosage units.
- 5 (h) Two pounds of marijuana.
- 6 (i) ~~Nine grams~~ TWO MILLIGRAMS of fentanyl. ~~or~~
- 7 (j) ONE-QUARTER MILLIGRAM OF A fentanyl mimetic ~~substances~~
8 SUBSTANCE.
- 9 (k) ONE-QUARTER MILLIGRAM OF CARFENTANIL.
- 10 ~~(j)~~ (l) For any combination consisting solely of those unlawful
11 substances listed in subdivisions (a) through ~~(i)~~ (k) of this paragraph,
12 an amount equal to or in excess of the threshold amount, as determined by
13 the application of section 13-3420.
- 14 ~~(k)~~ (m) For any unlawful substance not listed in subdivisions (a)
15 through (i) of this paragraph or any combination involving any unlawful
16 substance not listed in subdivisions (a) through ~~(i)~~ (k) of this
17 paragraph, a value of at least \$1,000.
- 18 37. "Transfer" means furnish, deliver or give away.
- 19 38. "Vapor-releasing substance containing a toxic substance" means
20 a material which releases vapors or fumes containing any of the following:
- 21 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
22 isophorone and mesityl oxide.
- 23 (b) Hydrocarbons, including propane, butane, pentane, hexane,
24 heptane and halogenated hydrocarbons.
- 25 (c) Ethylene dichloride.
- 26 (d) Pentachlorophenol.
- 27 (e) Chloroform.
- 28 (f) Methylene chloride.
- 29 (g) Trichloroethylene.
- 30 (h) Difluoroethane.
- 31 (i) Tetrafluoroethane.
- 32 (j) Aldehydes, including formaldehyde.
- 33 (k) Acetates, including ethyl acetate and butyl acetate.
- 34 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
35 cumene.
- 36 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
37 alcohol, butyl alcohol and diacetone alcohol.
- 38 (n) Ether, including Diethyl ether and petroleum ether.
- 39 (o) Nitrous oxide.
- 40 (p) Amyl nitrite.
- 41 (q) Isobutyl nitrite.
- 42 39. "Weight" unless otherwise specified includes the entire weight
43 of any mixture or substance that contains a detectable amount of an
44 unlawful substance. If a mixture or substance contains more than one
45 unlawful substance, the weight of the entire mixture or substance is

1 assigned to the unlawful substance that results in the greater offense.
2 If a mixture or substance contains lysergic acid diethylamide, the offense
3 that results from the unlawful substance shall be based on the greater
4 offense as determined by the entire weight of the mixture or substance or
5 the number of blotter dosage units. For the purposes of this paragraph,
6 "mixture" means any combination of substances from which the unlawful
7 substance cannot be removed without a chemical process.

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

17 Sec. 3. Section 13-3408, Arizona Revised Statutes, is amended to
18 read:

19 13-3408. Possession, use, administration, acquisition, sale,
20 manufacture or transportation of narcotic drugs;
21 classification

22 A. Except as provided in section 36-2850, paragraph ~~16~~ 19,
23 subdivision (b), section 36-2852 and section 36-2853, subsection C, a
24 person shall not knowingly:

- 25 1. Possess or use a narcotic drug.
- 26 2. Possess a narcotic drug for sale.
- 27 3. Possess equipment or chemicals, or both, for the purpose of
28 manufacturing a narcotic drug.
- 29 4. Manufacture a narcotic drug.
- 30 5. Administer a narcotic drug to another person.
- 31 6. Obtain or procure the administration of a narcotic drug by
32 fraud, deceit, misrepresentation or subterfuge.
- 33 7. Transport for sale, import into this state, offer to transport
34 for sale or import into this state, sell, transfer or offer to sell or
35 transfer a narcotic drug.

36 B. A person who violates:

- 37 1. Subsection A, paragraph 1 of this section is guilty of a class 4
38 felony.
- 39 2. Subsection A, paragraph 2 of this section is guilty of a class 2
40 felony.
- 41 3. Subsection A, paragraph 3 of this section is guilty of a class 3
42 felony.
- 43 4. Subsection A, paragraph 4 of this section is guilty of a class 2
44 felony.

1 5. Subsection A, paragraph 5 of this section is guilty of a class 2
2 felony.

3 6. Subsection A, paragraph 6 of this section is guilty of a class 3
4 felony.

5 7. Subsection A, paragraph 7 of this section is guilty of a class 2
6 felony.

7 C. A person who is convicted of a violation of subsection A,
8 paragraph 1, 3 or 6 of this section and who has not previously been
9 convicted of any felony or who has not been sentenced pursuant to section
10 13-703, section 13-704, subsection A, B, C, D or E, section 13-706,
11 subsection A, section 13-708, subsection D or any other provision of law
12 making the convicted person ineligible for probation is eligible for
13 probation.

14 D. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, if the
15 aggregate amount of narcotic drugs involved in one offense or all of the
16 offenses that are consolidated for trial equals or exceeds the statutory
17 threshold amount, a person who is convicted of a violation of subsection
18 A, paragraph 2, 4, 5 or 7 of this section is not eligible for suspension
19 of sentence, probation, pardon or release from confinement on any basis
20 until the person has served the sentence imposed by the court, the person
21 is eligible for release pursuant to section 41-1604.07 or the sentence is
22 commuted.

23 ~~E. A person who is convicted of a violation of subsection A,
24 paragraph 4 of this section is not eligible for suspension of sentence,
25 probation, pardon or release from confinement on any basis until the
26 person has served the sentence imposed by the court, the person is
27 eligible for release pursuant to section 41-1604.07 or the sentence is
28 commuted.~~

29 E. IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A,
30 PARAGRAPH 2, 4, 5 OR 7 OF THIS SECTION AND THE DRUG INVOLVED IS HEROIN,
31 CARFENTANIL, FENTANYL OR A FENTANYL MIMETIC SUBSTANCE, THE PERSON SHALL BE
32 SENTENCED AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
5 CALENDAR YEARS	10 CALENDAR YEARS	15 CALENDAR YEARS

33
34
35 A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SUBSECTION A,
36 PARAGRAPH 2, 4, 5 OR 7 OF THIS SECTION INVOLVING HEROIN, CARFENTANIL,
37 FENTANYL OR FENTANYL MIMETIC SUBSTANCES OR SECTION 13-3408.01 SHALL BE
38 SENTENCED AS FOLLOWS:

<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
10 CALENDAR YEARS	15 CALENDAR YEARS	20 CALENDAR YEARS

39
40

41 F. In addition to any other penalty prescribed by this title, the
42 court shall order a person who is convicted of a violation of this section
43 to pay a fine of not less than \$2,000 or three times the value as
44 determined by the court of the narcotic drugs involved in or giving rise
45 to the charge, whichever is greater, and not more than the maximum

1 authorized by chapter 8 of this title. A judge shall not suspend any part
2 or all of the imposition of any fine required by this subsection.

3 G. A person who is convicted of a violation of this section for
4 which probation or release before the expiration of the sentence imposed
5 by the court is authorized is prohibited from using any marijuana,
6 dangerous drug, narcotic drug or prescription-only drug except as lawfully
7 administered by a health care practitioner and as a condition of any
8 probation or release shall be required to submit to drug testing
9 administered under the supervision of the probation department of the
10 county or the state department of corrections, as appropriate, during the
11 duration of the term of probation or before the expiration of the sentence
12 imposed.

13 H. If a person who is convicted of a violation of this section is
14 granted probation, the court shall order that as a condition of probation
15 the person perform not less than three hundred sixty hours of community
16 restitution with an agency or organization that provides counseling,
17 rehabilitation or treatment for alcohol or drug abuse, an agency or
18 organization that provides medical treatment to persons who abuse
19 controlled substances, an agency or organization that serves persons who
20 are victims of crime or any other appropriate agency or organization.

21 I. THE PRESUMPTIVE TERM IMPOSED PURSUANT TO SUBSECTION E OF THIS
22 SECTION MAY BE MITIGATED OR AGGRAVATED PURSUANT TO SECTION 13-701,
23 SUBSECTIONS D AND E.

24 Sec. 4. Title 13, chapter 34, Arizona Revised Statutes, is amended
25 by adding section 13-3408.01, to read:

26 13-3408.01. Manufacturing carfentanil, fentanyl or fentanyl
27 mimetic substances under circumstances that
28 cause physical injury to a minor;
29 classification

30 A. A PERSON SHALL NOT KNOWINGLY MANUFACTURE CARFENTANIL, FENTANYL
31 OR FENTANYL MIMETIC SUBSTANCES UNDER ANY CIRCUMSTANCE THAT CAUSES PHYSICAL
32 INJURY TO A MINOR WHO IS UNDER FIFTEEN YEARS OF AGE.

33 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 FELONY
34 AND IS PUNISHABLE AS PROVIDED BY SECTION 13-705.