

Senate Engrossed

narcotic drugs; definition

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1622

AN ACT

AMENDING SECTION 13-3401, 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
7 or 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,
10 by whatever trade name designated.

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

12 4. "Cannabis" means the following substances under whatever names
13 they 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
17 include oil or cake made from the seeds of such plant, any fiber,
18 compound, manufacture, salt, derivative, mixture or preparation of the
19 mature stalks of such plant except the resin extracted from the stalks or
20 any fiber, oil or cake or the sterilized seed of such plant which is
21 incapable of germination.

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

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

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

31 (a) Any material, compound, mixture or preparation that contains
32 any quantity of the following hallucinogenic substances and their salts,
33 isomers, whether optical, positional or geometric, and salts of isomers,
34 unless specifically excepted, whenever the existence of such salts,
35 isomers and salts of isomers is possible within the specific chemical
36 designation:

37 (i) Alpha-ethyltryptamine.

38 (ii) Alpha-methyltryptamine.

39 (iii) (2-aminopropyl) benzofuran (APB).

40 (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).

41 (v) Aminorex.

42 (vi) 4-bromo-2, 5-dimethoxyphenethylamine.

43 (vii) 4-bromo-2, 5-dimethoxyamphetamine.

44 (viii) Bufotenine.

- 1 (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
- 2 (x) Diethyltryptamine.
- 3 (xi) 2, 5-dimethoxyamphetamine.
- 4 (xii) Dimethyltryptamine.
- 5 (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).
- 6 (xiv) 5-methoxy-alpha-methyltryptamine.
- 7 (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.
- 8 (xvi) 4-methyl-2, 5-dimethoxyamphetamine.
- 9 (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- 10 (xviii) Ibogaine.
- 11 (xix) Lysergic acid amide.
- 12 (xx) Lysergic acid diethylamide.
- 13 (xxi) Mescaline.
- 14 (xxii) 4-methoxyamphetamine.
- 15 (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- 16 (xxiv) Methylenedioxyamphetamine (MDA).
- 17 (xxv) 3, 4-methylenedioxymethamphetamine.
- 18 (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- 19 (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- 20 (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 21 (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- 22 (xxx) N-methyltryptamine mimetic substances that are any substances
23 derived from N-methyltryptamine by any substitution at the nitrogen, any
24 substitution at the indole ring, any substitution at the alpha carbon, any
25 substitution at the beta carbon or any combination of the above.
26 N-methyltryptamine mimetic substances do not include melatonin
27 (5-methoxy n-acetyltryptamine). Substances in the N-methyltryptamine
28 generic definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT,
29 DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT,
30 MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- 31 (xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 32 (xxxii) Nabilone.
- 33 (xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 34 (xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 35 (xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 36 (xxxvi) Para-methoxyamphetamine (PMA).
- 37 (xxxvii) Psilacetin.
- 38 (xxxviii) Psilocybin.
- 39 (xxxix) Psilocyn.
- 40 (xl) Synhexyl.
- 41 (xli) Trifluoromethylphenylpiperazine (TFMPP).
- 42 (xlii) Trimethoxyamphetamine (TMA).
- 43 (xliii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 44 (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 45 (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).

1 (xlv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
2 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
3 and isomers).
4 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
5 isomers).
6 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
7 (JWH-015 and isomers).
8 (l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
9 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
10 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
11 (CP 47,497 and isomers).
12 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
13 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
14 (liii) Xylazine.
15 (b) Any material, compound, mixture or preparation that contains
16 any quantity of cannabimimetic substances and their salts, isomers,
17 whether optical, positional or geometric, and salts of isomers, unless
18 specifically excepted, whenever the existence of such salts, isomers and
19 salts of isomers is possible within the specific chemical designation.
20 For the purposes of this subdivision, "cannabimimetic substances" means
21 any substances within the following structural classes:
22 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
23 5-position of the phenolic ring by alkyl or alkenyl, whether or not
24 substituted on the cyclohexyl ring to any extent. Substances in the
25 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,
26 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
27 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by
28 substitution at the nitrogen atom of the indole ring, whether or not
29 further substituted on the indole ring to any extent, whether or not
30 substituted on the naphthoyl or naphthyl ring to any extent. Substances
31 in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,
32 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
33 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,
34 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,
35 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,
36 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,
37 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,
38 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,
39 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,
40 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.
41 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by
42 substitution at one or both of the nitrogen atoms of the indazole ring,
43 whether or not further substituted on the indazole ring to any extent,
44 whether or not substituted on the naphthoyl ring to any extent.

Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole generic definition include THJ2201 and THJ-018.

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

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

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

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

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

(ix) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.

(x) Indole-3-carboxamide or indazole-3-carboxamide with substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted on the indole ring or the indazole ring to any extent,

whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA, AB-FUBINACA, ABICA and ADBICA.

(xi) 8-Quinolinylnyl-indole-3-carboxylate or 8-quinolinylnyl-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole ring or indazole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinylnyl-indole-3-carboxylate or the 8-quinolinylnyl-indazole-3-carboxylate generic definition include PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22.

(xii) Naphthalenylnyl-indole-3-carboxylate or naphthalenylnyl-indazole-3-carboxylate by substitution at the nitrogen atom of the indole ring or by substitution at one or both of the nitrogen atoms of the indazole ring, whether or not further substituted in the indole or indazole ring to any extent, whether or not substituted on the naphthalenylnyl ring to any extent. Substances in the naphthalenylnyl-indole-3-carboxylate or naphthalenylnyl-indazole-3-carboxylate generic definition include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.

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

(i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
(ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
(iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).
(iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).
(v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.

(vi) Amphetamine.
(vii) Benzphetamine.
(viii) Benzylpiperazine (BZP).
(ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
(x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
(xi) Butorphanol.
(xii) Cathine ((+)-norpseudoephedrine).
(xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

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

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

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

1 (lxvii) Tiletamine.

2 (lxviii) Triazolam.

3 (lxix) Zaleplon.

4 (lxx) Zolazepam.

5 (lxxi) Zolpidem.

6 (lxxii) Zopiclone.

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

10 (i) Boldenone.

11 (ii) Clostebol (4-chlorotestosterone).

12 (iii) Dehydrochloromethyltestosterone.

13 (iv) Drostanolone.

14 (v) Ethylestrenol.

15 (vi) Fluoxymesterone.

16 (vii) Formebolone (formebolone).

17 (viii) Mesterolone.

18 (ix) Methandriol.

19 (x) Methandrostenolone (methandienone).

20 (xi) Methenolone.

21 (xii) Methyltestosterone.

22 (xiii) Mibolerone.

23 (xiv) Nandrolone.

24 (xv) Norethandrolon.

25 (xvi) Oxandrolone.

26 (xvii) Oxymesterone.

27 (xviii) Oxymetholone.

28 (xix) Stanolone (4-dihydrotestosterone).

29 (xx) Stanozolol.

30 (xxi) Testolactone.

31 (xxii) Testosterone.

32 (xxiii) Trenbolone.

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

36 8. "Director" means the director of the department of health
37 services.

38 9. "Dispense" means distribute, leave with, give away, dispose of
39 or deliver.

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

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

5 12. "Federal act" has the same meaning prescribed in section
6 32-1901.

7 13. "Isoamidone" means any substance identified chemically as
8 (4-4-diphenyl-5-methyl-6-dimethylaminoheptanone-3), or any salt of such
9 substance, by whatever trade name designated.

10 14. "Isonipeccaine" means any substance identified chemically as
11 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt
12 of such substance, by whatever trade name designated.

13 15. "Ketobemidone" means any substance identified chemically as
14 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or
15 any salt of such substance, by whatever trade name designated.

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

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

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

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

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

- 37 (a) Acetyl-alpha-methylfentanyl.
- 38 (b) Acetylmethadol.
- 39 (c) Alfentanil.
- 40 (d) Allylprodine.
- 41 (e) Alphacetylmethadol.
- 42 (f) Alphameprodine.
- 43 (g) Alphamethadol.
- 44 (h) Alpha-methylfentanyl.
- 45 (i) Alpha-methylthiofentanyl.

1 (j) Alphaprodine.
 2 (k) Amidone (methadone).
 3 (l) Anileridine.
 4 (m) Benzethidine.
 5 (n) Benzylfentanyl.
 6 (o) Betacetylmethadol.
 7 (p) Beta-hydroxyfentanyl.
 8 (q) Beta-hydroxy-3-methylfentanyl.
 9 (r) Betameprodine.
 10 (s) Betamethadol.
 11 (t) Betaprodine.
 12 (u) Bezitramide.
 13 (v) Buprenorphine and its salts.
 14 (w) BUTONITAZENE.
 15 ~~(w)~~ (x) Cannabis.
 16 ~~(x)~~ (y) Carfentanyl.
 17 ~~(y)~~ (z) 4-chloro-n-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinyldene
 18]benzenesulfonamide (W-18).
 19 ~~(z)~~ (aa) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinyldene]
 20 benzenesulfonamide (W-15).
 21 ~~(aa)~~ (bb) Clonitazene.
 22 ~~(bb)~~ (cc) Coca leaves.
 23 ~~(cc)~~ (dd) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
 24 ~~(dd)~~ (ee) Dextromoramide.
 25 ~~(ee)~~ (ff) Dextropropoxyphene.
 26 ~~(ff)~~ (gg) Diampromide.
 27 ~~(gg)~~ (hh) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-be
 28 nzamide (AH-7921).
 29 ~~(hh)~~ (ii) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylben
 30 zamide (U-47700).
 31 ~~(ii)~~ (jj) Diethylthiambutene.
 32 ~~(jj)~~ (kk) Difenoxy.
 33 ~~(kk)~~ (ll) Dihydrocodeine.
 34 ~~(ll)~~ (mm) Dimenoxadol.
 35 ~~(mm)~~ (nn) Dimepheptanol.
 36 ~~(nn)~~ (oo) Dimethylthiambutene.
 37 ~~(oo)~~ (pp) Dioxaphetyl butyrate.
 38 ~~(pp)~~ (qq) Diphenidine (DEP).
 39 ~~(qq)~~ (rr) Diphenoxylate.
 40 ~~(rr)~~ (ss) Dipipanone.
 41 ~~(ss)~~ (tt) Ephedrine.
 42 ~~(tt)~~ (uu) Ethylmethylthiambutene.
 43 (vv) ETODESNITAZENE.
 44 ~~(uu)~~ (ww) Etonitazene.
 45 (xx) ETONITAZEPYNE.

~~(vv)~~ (yy) Etixeridine.
~~(ww)~~ (zz) Fentanyl.
~~(xx)~~ (aaa) Fentanyl mimetic substances that are any substances
 derived from fentanyl by any substitution in the phenethyl group, any
 substitution in the piperidine ring, any substitution in the aniline ring,
 any replacement of the phenyl portion of the phenethyl group, any
 replacement of the N-propionyl group or any combination of the above.
 (bbb) FLUNITAZENE.
~~(yy)~~ (ccc) Furethidine.
~~(zz)~~ (ddd) Hydroxypethidine.
~~(aaa)~~ (eee) Isoamidone (isomethadone).
~~(bbb)~~ (fff) Isophenidine.
 (ggg) ISOTONITAZENE.
~~(ccc)~~ (hhh) Pethidine (meperidine).
~~(ddd)~~ (iii) Ketobemidone.
~~(eee)~~ (jjj) Lefetamine.
~~(fff)~~ (kkk) Levomethorphan.
~~(ggg)~~ (lll) Levomoramide.
~~(hhh)~~ (mmm) Levophenacymorphan.
~~(iii)~~ (nnn) Levorphanol.
~~(jjj)~~ (ooo) Metazocine.
~~(kkk)~~ (ppp) Methoxphenidine (MXP).
~~(lll)~~ (qqq) 3-methylfentanyl.
~~(mmm)~~ (rrr) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
~~(nnn)~~ (sss) 3-methylthiofentanyl.
 (ttt) METODESNITAZENE.
 (uuu) METONITAZENE.
~~(ooo)~~ (vvv) Morpheridine.
~~(ppp)~~ (www) Noracymethadol.
~~(qqq)~~ (xxx) Norlevorphanol.
~~(rrr)~~ (yyy) Normethadone.
~~(sss)~~ (zzz) Norpipanone.
~~(ttt)~~ (aaaa) Opium.
~~(uuu)~~ (bbbb) Para-fluorofentanyl.
~~(vvv)~~ (cccc) Pentazocine.
~~(www)~~ (dddd) Phenadoxone.
~~(xxx)~~ (eeee) Phenampromide.
~~(yyy)~~ (ffff) Phenazocine.
~~(zzz)~~ (gggg) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
~~(aaaa)~~ (hhhh) Phenomorphan.
~~(bbbb)~~ (iiii) Phenoperidine.
~~(cccc)~~ (jjjj) Piminodine.
~~(dddd)~~ (kkkk) Piritramide.
~~(eeee)~~ (llll) Proheptazine.
~~(ffff)~~ (mmmm) Properidine.

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

1 (cc) Normorphine.

2 (dd) Oxycodone.

3 (ee) Oxymorphone.

4 (ff) Pholcodine.

5 (gg) Thebacon.

6 (hh) Thebaine.

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

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

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

14 (c) Either:

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

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

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

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

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

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

32 (a) N-acetylanthranilic acid.

33 (b) Anthranilic acid.

34 (c) Ephedrine.

35 (d) Ergotamine.

36 (e) Isosafrole.

37 (f) Lysergic acid.

38 (g) Methylamine.

39 (h) N-ethylephedrine.

40 (i) N-ethylpseudoephedrine.

41 (j) N-methylephedrine.

42 (k) N-methylpseudoephedrine.

43 (l) Norephedrine.

44 (m) (-)-Norpseudoephedrine.

45 (n) Phenylacetic acid.

1 (o) Phenylpropanolamine.

2 (p) Piperidine.

3 (q) Pseudoephedrine.

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

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

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

9 (c) Chlorephedrine.

10 (d) Chlorpseudoephedrine.

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

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

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

14 (h) N-formyl amphetamine.

15 (i) N-formyl methamphetamine.

16 (j) Phenyl-2-propanone.

17 (k) 1-piperidinocyclohexane carbonitrile.

18 (l) 1-pyrrolidinocyclohexane carbonitrile.

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

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

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

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

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

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

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

39 (a) Acetic anhydride.

40 (b) Hypophosphorous acid.

41 (c) Iodine.

42 (d) Sodium acetate.

43 (e) Red phosphorus.

44 (f) Gamma butyrolactone (GBL).

45 (g) 1, 4-butanediol.

1 (h) Butyrolactone.
2 (i) 1, 2 butanolide.

3 (j) 2-oxanalone.
4 (k) Tetrahydro-2-furanone.
5 (l) Dihydro-2(3H)-furanone.

6 (m) Tetramethylene glycol.
7 31. "Retailer" means either:

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

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

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

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

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

22 35. "Suspicious transaction" means a transaction to which any of
23 the following applies:

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

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

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

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

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

40 (a) One gram of heroin.

41 (b) Nine grams of cocaine.

42 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
43 cocaine.

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

1 (e) Nine grams of methamphetamine, including methamphetamine in
2 liquid suspension.

3 (f) Nine grams of amphetamine, including amphetamine in liquid
4 suspension.

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

7 (h) Two pounds of marijuana.

8 (i) Nine grams of fentanyl or fentanyl mimetic substances.

9 (j) For any combination consisting solely of those unlawful
10 substances listed in subdivisions (a) through (i) of this paragraph, an
11 amount equal to or in excess of the threshold amount, as determined by the
12 application of section 13-3420.

13 (k) For any unlawful substance not listed in subdivisions (a)
14 through (i) of this paragraph or any combination involving any unlawful
15 substance not listed in subdivisions (a) through (i) of this paragraph, a
16 value of at least \$1,000.

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

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

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

22 (b) Hydrocarbons, including propane, butane, pentane, hexane,
23 heptane and halogenated hydrocarbons.

24 (c) Ethylene dichloride.

25 (d) Pentachlorophenol.

26 (e) Chloroform.

27 (f) Methylene chloride.

28 (g) Trichloroethylene.

29 (h) Difluoroethane.

30 (i) Tetrafluoroethane.

31 (j) Aldehydes, including formaldehyde.

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

33 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
34 cumene.

35 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
36 alcohol, butyl alcohol and diacetone alcohol.

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

38 (o) Nitrous oxide.

39 (p) Amyl nitrite.

40 (q) Isobutyl nitrite.

41 39. "Weight" unless otherwise specified includes the entire weight
42 of any mixture or substance that contains a detectable amount of an
43 unlawful substance. If a mixture or substance contains more than one
44 unlawful substance, the weight of the entire mixture or substance is
45 assigned to the unlawful substance that results in the greater offense.

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

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