



AN ACT GENERALLY REVISING LAWS SCHEDULING DANGEROUS DRUGS; ALLOWING DRUGS CONTAINING TETRAHYDROCANNABINOLS TO BE AUTOMATICALLY RESCHEDULED TO MATCH SCHEDULING BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION; RESCHEDULING CERTAIN DRUGS ALREADY RESCHEDULED BY BOARD OF PHARMACY RULE; AMENDING SECTIONS 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

Section 1. Section 50-32-222, MCA, is amended to read:

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

(1) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(a) acetyl-alpha-methylfentanyl, also known as N-(1-(1-methyl-2-phenethyl)-4-piperidinyl)-N-phenylacetamide;

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

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

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

(e) alphameprodine;

(f) alphamethadol;

(g) alpha-methylfentanyl, also known as (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(h) a l p h a - m e t h y l t h i o f e n t a n y l , a l s o k n o w n a s
N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide;

(i) benzethidine;

(j) betacetylmethadol;

(k) b e t a - h y d r o x y f e n t a n y l , a l s o k n o w n a s
N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide;

(l) b e t a - h y d r o x y - 3 - m e t h y l f e n t a n y l , a l s o k n o w n a s
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

(m) betameprodine;

(n) betamethadol;

(o) betaprodine;

(p) clonitazene;

(q) dextromoramide;

(r) diampromide;

(s) diethylthiambutene;

(t) difenoxin;

(u) dimenoxadol;

(v) dimepheptanol;

(w) dimethylthiambutene;

(x) dioxaphetyl butyrate;

(y) dipipanone;

(z) ethylmethylthiambutene;

(aa) etonitazene;

(bb) etoxeridine;

(cc) furethidine;

(dd) hydroxypethidine;

(ee) ketobemidone;

(ff) levomoramide;

(gg) levophenacymorphan;

- (hh) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;
- (i i) 3 - m e t h y l t h i o f e n t a n y l , a l s o k n o w n a s N-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide;
- (jj) morpheridine;
- (kk) MPPP, also known as desmethylprodine and (1-methyl-4-phenyl-4-propionoxypiperidine);
- (ll) noracymethadol;
- (mm) norlevorphanol;
- (nn) normethadone;
- (oo) norpipanone;
- (pp) para-fluorofentanyl, also known as N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny]propanamide;
- (qq) PEPAP, also known as (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- (rr) phenadoxone;
- (ss) phenampromide;
- (tt) phenomorphan;
- (uu) phenoperidine;
- (vv) piritramide;
- (ww) proheptazine;
- (xx) properidine;
- (yy) propiram;
- (zz) racemoramide;
- (aaa) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide;
- (bbb) tilidine; and
- (ccc) trimeperidine.

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

(3) Opium derivatives. Unless specifically excepted or listed in another schedule, any of the following are opium derivatives, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) acetorphine;

- (b) acetyldihydrocodeine;
- (c) benzylmorphine;
- (d) codeine methylbromide;
- (e) codeine-N-oxide;
- (f) cyprenorphine;
- (g) desomorphine;
- (h) dihydromorphine;
- (i) drotebanol;
- (j) etorphine, except hydrochloride salt;
- (k) heroin;
- (l) hydromorphinol;
- (m) methyldesorphine;
- (n) methyldihydromorphine;
- (o) morphine methylbromide;
- (p) morphine methylsulfonate;
- (q) morphine-N-oxide;
- (r) myrophine;
- (s) nicocodeine;
- (t) nicomorphine;
- (u) normorphine;
- (v) pholcodine; and
- (w) thebacon.

(4) Hallucinogenic substances. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following is a hallucinogenic substance, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (a) alpha-ethyltryptamine, also known as etryptamine, monase, alpha-ethyl-1H-indole-3-ethanamine, 3-(2-aminobutyl) indole, alpha-ET, and AET;
- (b) alpha-methyltryptamine, also known as AMT;

- (c) 4-bromo-2,5-dimethoxyamphetamine, also known as 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine, and 4-bromo-2,5-DMA;
- (d) 4-bromo-2,5-dimethoxyphenethylamine, also known as 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane, alpha-desmethyl DOB, and 2C-B, Nexus;
- (e) 2,5-dimethoxyamphetamine, also known as 2,5-dimethoxy-alpha-methylphenethylamine and 2,5-DMA;
- (f) 2,5-dimethoxy-4-(N)-propylthiophenethylamine, also known as 2C-T-7;
- (g) 3,4-methylenedioxyamphetamine;
- (h) 2,5-dimethoxy-4-ethylamphetamine, also known as is DOET;
- (i) 5-methoxy-N,N-diisopropyltryptamine, also known as 5-MeO-DIPT;
- (j) 5-methoxy-N,N-dimethyltryptamine, also known as 5-MeO-DMT;
- (k) 4-methoxyamphetamine, also known as 4-methoxy-alpha-methylphenethylamine;
- (l) 5-methoxy-3,4-methylenedioxyamphetamine;
- (m) 4-methyl-2,5-dimethoxyamphetamine, also known as 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine, DOM, and STP;
- (n) 3,4-methylenedioxymethamphetamine, also known as MDMA;
- (o) 3,4-methylenedioxy-N-ethylamphetamine, also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, and MDEA;
- (p) N-hydroxy-3,4-methylenedioxyamphetamine, also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA;
- (q) 3,4,5-trimethoxyamphetamine;
- (r) bufotenine, also known as 3-(beta-dimethylaminoethyl)-5-hydroxyindole, 3-(2-dimethylaminoethyl)-5-indolol, N,N-dimethylserotonin, 5-hydroxy-N,N-dimethyltryptamine, and mappine;
- (s) diethyltryptamine, also known as N,N-diethyltryptamine and DET;
- (t) dimethyltryptamine, also known as DMT;
- (u) hashish;
- (v) ibogaine, also known as 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1', 2':1,2] azepine [5,4-b] indole and tabernanthe iboga;
- (w) lysergic acid diethylamide, also known as LSD;

(x) marijuana;

(y) mescaline;

(z) parahexyl, also known as 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,8,9-trimethyl-6H-dibenzo[b,d]pyran and synhexyl;

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

(bb) N-ethyl-3-piperidyl benzilate;

(cc) N-methyl-3-piperidyl benzilate;

(dd) psilocybin;

(ee) psilocyn;

(ff) tetrahydrocannabinols, including synthetic equivalents of the substances contained in the plant or in the resinous extractives of cannabis, or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, such as those listed in subsections (4)(ff)(i) through (4)(ff)(iii). Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are included in the category as follows:

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

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

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

(gg) ethylamine analog of phencyclidine, also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, and PCE;

(hh) pyrrolidine analog of phencyclidine, also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, and PHP;

(ii) thiophene analog of phencyclidine, also known as 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, and TCP;

(jj) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine, also known as TCPy;

(kk) synthetic cannabinoids, including:

(i) unless specifically excepted or listed in another schedule, any chemical compound chemically synthesized from or structurally similar to any material, compound, mixture, or preparation that contains any

quantity of a synthetic cannabinoid found in any of the following chemical groups, or any of those groups that contain synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogs in the following groups:

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

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

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

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

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

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

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

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

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

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

(iv) (6aR, 10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

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

- (vi) 1-butyl-3-(1-naphthoyl)indole (also known as JWH-073);
- (vii) 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);
- (viii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
- (ix) 1-hexyl-3-(1-naphthoyl)indole (also known as JWH-019);
- (x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
- (xi) JWH-081: 1-pentyl-3-(4-methoxy-1-naphthoyl)indole, also known as 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
- (xii) the following substances, except where contained in cannabis or cannabis resin, namely tetrahydro derivatives of cannabinal and 3-alkyl homologues of cannabinal or of its tetrahydro derivatives:
- (A) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (also known as WIN-55,212-2);
- (B) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol (also known as HU-243); or
- (C) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;
- (II) *Salvia divinorum*, also known as salvinorin A (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(3-furanyl)dodecahydro-6a,10b-dimethyl-4,10-dioxo-2H-naphtho[2,1-c]pyran-7-carboxylic acid methyl ester;
- (mm) substituted cathinones, including any compound, except bupropion or compounds listed in another schedule, structurally derived from 2-amino-1-phenyl-1-propanone by modification in any of the following ways:
- (i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylendioxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- (ii) by substitution at the 3-position with an alkyl substituent;
- (iii) by substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure; and
- (iv) any lengthening of the propanone chain between carbons 1 and 2 to any extent with alkyl groups, whether further substituted or not;
- (nn) any compound not listed in this code, in an administrative rule regulating controlled substances or approved for use by the United States food and drug administration that is structurally derived from

2-amino-1-phenyl-1-propane by modification in any of the following ways:

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

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

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

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

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

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

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

(a) gamma-hydroxybutyric acid, also known as gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, sodium oxybutyrate, and GHB;

(b) mecloqualone; and

(c) methaqualone.

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

(a) aminorex, also known as aminoxaphen, 2-amino-5-phenyl-2-oxazoline, and 4,5-dihydro-5-phenyl-2-oxazolamine;

(b) cathinone, also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone;

(c) fenethylamine;

(d) methcathinone, also known as 2-(methylamino)-propionophenone, alpha-(methylamino)propionophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropionophenone, monomethylpropion, ephedrone, N-methylcathinone, methylcathinone, AL-464, AL-422, AL-463, and UR1432, including its salts, optical isomers, and salts of optical isomers;

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

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

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

(h) N-ethylamphetamine; and

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

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

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

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

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

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

Section 2. Section 50-32-224, MCA, is amended to read:

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

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

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

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

(b) any salt, compound, derivative, or preparation of them that is chemically equivalent or identical with any of the substances referred to in subsection (1)(a), except that these substances do not include the isoquinoline alkaloids of opium;

(c) opium poppy and poppy straw;

(d) coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers, and derivatives, and any salt, compound, derivative, or preparation of them that is chemically equivalent or identical with any of these substances, except that these substances do not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and

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

(2) Opiates. Unless specifically excepted or listed in another schedule, any of the following are opiates, including isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

- (a) alfentanil;
- (b) alphaprodine;
- (c) anileridine;
- (d) bezitramide;
- (e) bulk dextropropoxyphene (nondosage forms);
- (f) carfentanil;
- (g) dihydrocodeine;
- (h) diphenoxylate;
- (i) fentanyl;
- (j) isomethadone;
- (k) levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, and LAAM;
- (l) levomethorphan;
- (m) levorphanol;
- (n) metazocine;
- (o) methadone;
- (p) methadone-intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (q) moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

- (r) pethidine, also known as meperidine;
- (s) pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- (t) pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- (u) pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (v) phenazocine;
- (w) piminodine;
- (x) racemethorphan;
- (y) racemorphan;
- (z) remifentanil;
- (aa) sufentanil; ~~and~~
- (bb) tapentadol; and
- (cc) thiafentanil.

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

- (a) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (b) phenmetrazine and its salts;
- (c) lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (d) methamphetamine, its salts, isomers, and salts of its isomers; and
- (e) methylphenidate.

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

- (a) amobarbital;
- (b) glutethimide;
- (c) pentobarbital;
- (d) phencyclidine; and
- (e) secobarbital.

(5) Hallucinogenic substances include the following:

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

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

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

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

(b) phenylacetone, an immediate precursor to amphetamine and methamphetamine, also known as phenyl-2-propanone, P2P, benzyl methyl ketone, and methyl benzyl ketone; and

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

Section 3. Section 50-32-226, MCA, is amended to read:

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

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

(a) benzphetamine;

(b) chlorphentermine;

(c) clortermine; and

(d) phendimetrazine.

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

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

(b) any suppository dosage form containing amobarbital, secobarbital, or pentobarbital or any salt of any of these drugs approved by the United States food and drug administration for marketing only as a suppository;

(c) any substance that contains any quantity of a derivative of barbituric acid or any salt of barbituric acid;

(d) aprobarbital;

(e) butabarbital, also known as secbutabarbital;

(f) butalbital;

(g) butobarbital, also known as butethal;

(h) chlorhexadol;

(i) embutramide;

(j) gamma hydroxybutyric acid preparations;

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

(l) lysergic acid;

(m) lysergic acid amide;

(n) methyprylon;

(o) sulfondiethylmethane;

(p) sulfonethylmethane;

(q) sulfonmethane;

(r) talbutal;

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

- (t) thiamylal;
 - (u) thiopental; and
 - (v) vinbarbital.
- (3) Nalorphine.

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

(a) not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

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

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

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

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

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

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

~~(h)~~(f) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; or

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

(5) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances is an anabolic steroid, including salts,

isomers, and salts of isomers whenever the existence of those salts of isomers is possible within the specific chemical designation:

- (a) androstenedione, also known as 5-alpha-androstan-3,17-dione;
- (b) 1-androstenediol, also known as 3-beta,17-beta-dihydroxy-5-alpha-androst-1-ene; or 3-alpha,17-beta-dihydroxy-5-alpha-androst-1-ene;
- (c) 1-androstenedione, also known as 5-alpha-androst-1-en-3,17-dione;
- (d) 3-alpha,17-beta-dihydroxy-5-alpha-androstane;
- (e) 3-beta,17-beta-dihydroxy-5-alpha-androstane;
- (f) 4-androstenediol, also known as 3-beta,17-beta-dihydroxy-androst-4-ene;
- (g) 4-androstenedione, also known as androst-4-en-3,17-dione;
- (h) 4-dihydrotestosterone, also known as 17-beta-hydroxyandrostan-3-one;
- (i) 4-hydroxy-19-nortestosterone, also known as 4,17-beta-dihydroxy-estr-4-en-3-one;
- (j) 4-hydroxytestosterone, 4,17-beta-dihydroxy-androst-4-en-3-one;
- (k) 5-androstenediol, also known as 3-beta,17-beta-dihydroxy-androst-5-ene;
- (l) 5-androstenedione, also known as androst-5-en-3,17-dione;
- (m) 13-beta-ethyl-17-beta-hydroxygon-4-en-3-one;
- (n) 17-alpha-methyl-3-alpha, 17-beta-dihydroxy-5-alpha-androstane;
- (o) 17-alpha-methyl-3-beta, 17-beta-dihydroxy-5-alpha-androstane;
- (p) 17-alpha-methyl-3-beta, 17-beta-dihydroxyandrost-4-ene;
- (q) 17-alpha-methyl-4-hydroxynandrolone, also known as 17-alpha-methyl-4-hydroxy-17-beta-hydroxyestr-4-en-3-one;
- (r) 17-alpha-methyl-delta, 1-dihydrotestosterone, also known as 17-beta-hydroxy-17-alpha-methyl-5-alpha-androst-1-en-3-one, 17-alpha-methyl-1 testosterone;
- (s) 19-nor-4-androstenediol, also known as 3-beta-17-beta-dihydroxyestr-4-ene; or 3-alpha-17-beta-dihydroxyestr-4-ene;
- (t) 19-nor-4-androstenedione, also known as estr-4-en-3,17-dione;
- (u) 19-nor-5-androstenediol, also known as 3-beta,17-beta-dihydroxyestr-5-ene; or 3-alpha,17-beta-dihydroxyestr-5-ene;
- (v) 19-nor-5-androstenedione, also known as estr-5-en-3,17-dione;

- (w) calusterone, also known as 7-beta, 17-alpha-dimethyl-17-beta-hydroxyandrost-4-en-3-one);
- (x) 19-Nor-4,9(10)-androstadienedione, also known as estra-4,9(10)-diene-3,17-dione;
- (y) bolasterone, also known as (7-alpha-dimethyl)-17-beta-hydroxyandrost-4-ene-3-one;
- (z) boldenone, also known as 17-beta-hydroxyandrost-1,4,-diene-3-one;
- (aa) boldione, also known as androsta-1,4-diene-3,17-dione;
- (bb) chlorotestosterone, also known as 4-chlortestosterone;
- (cc) clostebol;
- (dd) delta-1-dihydrotestosterone, also known as (17-beta-hydroxy-5-alpha-androst-1-en-3-one),
1-testosterone;
- (ee) dehydrochloromethyltestosterone, also known as 4-chloro-17-beta-hydroxy-17-alpha-methylandrost-
1,4-dien-3-one;
- (ff) desoxymethyltestosterone, also known as 17-alpha-methyl-5-alpha-androst-2-en-17-beta-ol;
- (gg) dihydrochlormethyltestosterone;
- (hh) dihydrotestosterone, also known as 4-dihydrotestosterone;
- (ii) drostanolone, also known as 17-beta-hydroxy-2-alpha-methyl-5-alpha-androstan-3-one;
- (jj) ethylestrenol, also known as 17-alpha-ethyl-17-beta-hydroxyestr-4-ene;
- (kk) fluoxymesterone, also known as 9-fluoro-17-alpha-methyl-11-beta, 17-beta-dihydroxyandrost-
4-en-3-one;
- (ll) formebulone, also known as 2-formyl-17-alpha-methyl-11-alpha,17-beta-dihydroxyandrost-1,4-
dien-3-one or formebolone;
- (mm) furazabol, also known as 17-alpha-methyl-17-beta-hydroxyandrostano-[2,3-c]-furazan;
- (nn) mestanolone, also known as 17-alpha-methyl-17-beta-hydroxy-5-alpha-androstan-3-one;
- (oo) mesterolone, also known as 1-alpha-methyl-17-beta-hydroxy-(5-alpha)-androstan-3-one;
- (pp) methandienone, also known as 17-alpha-methyl-17-beta-hydroxyandrost-1,4-diene-3-one;
- (qq) methandranone;
- (rr) methandriol, also known as 17-alpha-methyl-3-beta,17-beta-dihydroxyandrost-5-one;
- (ss) methandrostenolone, also known as (17-beta)-17-hydroxy-17-methylandrosta-1,4-dien-3-one;
- (tt) methasterone, also known as 2-alpha-17-alpha-dimethyl-5-alpha-androstan-17-beta-ol-3-one;
- ~~(tt)~~(uu) methenolone, also known as 1-methyl-17-beta-hydroxy-5-alpha-androst-1-en-3-one;

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

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

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

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

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

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

(~~aaa~~)(bbb) norclostebol, also known as 4-chloro-17-beta-hydroxyestr-4-en-3-one;

(~~bbb~~)(ccc) norethandrolone, also known as 17-alpha-ethyl-17-beta-hydroxyestr-4-en-3-one;

(~~ccc~~)(ddd) normethandrolone, also known as 17-alpha-methyl-17-beta-hydroxyestr-4-en-3-one;

(~~d d d~~)-(e e e) o x a n d r o l o n e , a l s o k n o w n a s
 17-alpha-methyl-17-beta-hydroxy-2-oxa-(5-alpha)-androstan-3-one;

(~~eee~~)(fff) oxymestronone, also known as 17-alpha-methyl-4,17-beta-dihydroxyandrost-4-en-3-one;

(~~fff~~)(ggg) oxymetholone, also known as 17-alpha-methyl-2-hydroxymethylene-17-beta-hydroxy-(5-alpha)-androstan-3-one;

(hhh) prostanazol, also known as 17-beta-hydroxy-5-alpha-androstano[3,2-C]pyrazole;

(~~ggg~~)(iii) stanolone;

(~~hhh~~)(jjj) stanozolol, also known as 17-alpha-methyl-17-beta-hydroxy-(5-alpha)-androst-2-eno-(3,2-c)-pyrazole;

(iii)(kkk) stenbolone, also known as 17-beta-hydroxy-2-methyl-5-alpha-androst-1-en-3-one;

(jjj)(lll) talbutal, also known as 5-(1-methylpropyl)-5-(2-propenyl)-2,4,6(1H,3H,5H)-pyrimidinetrione;

(~~kkk~~)(mmm) testolactone, also known as 13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone;

(~~lll~~)(nnn) testosterone, also known as 17-beta-hydroxyandrost-4-en-3-one;

(~~mmm~~)(ooo) trenbolone, also known as 17-beta-hydroxyestr-4,9,11-trien-3-one; or

(~~nnn~~)-(p p p) t e t r a h y d r o g e s t r i n o n e , a l s o k n o w n a s
 13-beta,17-alpha-diethyl-17-beta-hydroxygon-4,9,11-trien- 3-one.

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

(-)-delta-9-(trans)-tetrahydrocannabinol.

(7) Anticonvulsant substances include perampanel."

Section 4. Section 50-32-229, MCA, is amended to read:

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

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

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

(b) butorphanol;

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

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

(e) pentazocine; and

(f) tramadol (2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol).

(2) Depressants. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant, including salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(a) alprazolam;

(b) barbital;

(c) bromazepam;

(d) camazepam;

(e) chloral betaine;

(f) chloral hydrate;

(g) chlordiazepoxide;

(h) clobazam;

- (i) clonazepam;
- (j) clorazepate;
- (k) clotiazepam;
- (l) cloxazolam;
- (m) delorazepam;
- (n) diazepam;
- (o) dichloralphenazone;
- (p) estazolam;
- (q) ethchlorvynol;
- (r) ethinamate;
- (s) ethyl loflazepate;
- (t) fludiazepam;
- (u) flunitrazepam;
- (v) flurazepam;
- (w) fospropofol, also known as lusedra;
- (x) halazepam;
- (y) haloxazolam;
- (z) ketazolam;
- (aa) lopraxolam;
- (bb) lorazepam;
- (cc) lormetazepam;
- (dd) mebutamate;
- (ee) medazepam;
- (ff) meprobamate;
- (gg) methohexital;
- (hh) methylphenobarbital, also known as mephobarbital;
- (ii) midazolam;
- (jj) nimetazepam;
- (kk) nitrazepam;

- (ll) nordiazepam;
- (mm) oxazepam;
- (nn) oxazolam;
- (oo) paraldehyde;
- (pp) petrichloral;
- (qq) phenobarbital;
- (rr) pinazepam;
- (ss) prazepam;
- (tt) quazepam;
- (uu) temazepam;
- (vv) tetrazepam;
- (ww) triazolam;
- (xx) zaleplon;
- (yy) zolpidem; and
- (zz) zopiclone.

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

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

- (a) cathine, also known as (+)-norpseudoephedrine;
- (b) diethylpropion;
- (c) fencamfamin;
- (d) fenproporex;
- (e) mazindol;
- (f) mefenorex;
- (g) modafinil;
- (h) pemoline, including organometallic complexes and chelates thereof;

- (i) phentermine;
 - (j) pipradrol;
 - (k) sibutramine; and
 - (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane).
- (5) Ephedrine.

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

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

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

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

(7) Hypnotic substances include suvorexant.

(8) Anorexiant substances include lorcaserin.

(9) Gastrointestinal substances include eluxadoline.

(10) General anesthetic substances include alfaxalone."

Section 5. Section 50-32-232, MCA, is amended to read:

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

(1) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following is a narcotic drug, including its salts, calculated as the free anhydrous base or alkaloid in limited quantities as set forth in subsections (1)(a) through (1)(f), which include one or more

nonnarcotic, active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- (a) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;
- (b) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;
- (c) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;
- (d) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;
- (e) not more than 100 milligrams of opium per 100 milliliters or per 100 grams; and
- (f) not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

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

(3) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances is a depressant having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers:

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

(4) Approved cannabidiol drugs. A drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol, also known as (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1% (w/w) residual tetrahydrocannabinols.

(5) Anticonvulsant substances include the following:

- (a) ezogabine; and
- (b) brivaracetam."

Section 6. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 0274, originated in the Senate.

President of the Senate

Signed this _____ day
of _____, 2019.

Secretary of the Senate

Speaker of the House

Signed this _____ day
of _____, 2019.

SENATE BILL NO. 274

INTRODUCED BY A. OLSZEWSKI

AN ACT GENERALLY REVISING LAWS SCHEDULING DANGEROUS DRUGS; ALLOWING DRUGS CONTAINING TETRAHYDROCANNABINOLS TO BE AUTOMATICALLY RESCHEDULED TO MATCH SCHEDULING BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION; RESCHEDULING CERTAIN DRUGS ALREADY RESCHEDULED BY BOARD OF PHARMACY RULE; AMENDING SECTIONS 50-32-222, 50-32-224, 50-32-226, 50-32-229, AND 50-32-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.