

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 608 Session of 2015

INTRODUCED BY BAKER, COHEN, MILLARD, THOMAS, CORBIN, PICKETT, D. COSTA, M. K. KELLER, V. BROWN, A. HARRIS, READSHAW, MAJOR, MURT, DeLUCA, GINGRICH, BOBACK, GIBBONS, KORTZ, PASHINSKI, EVERETT, KNOWLES, HARHART, REGAN, MOUL, ACOSTA, BARBIN AND DAVIS, FEBRUARY 24, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 2, 2015

AN ACT

1 Amending the act of April 14, 1972 (P.L.233, No.64), entitled
2 "An act relating to the manufacture, sale and possession of
3 controlled substances, other drugs, devices and cosmetics;
4 conferring powers on the courts and the secretary and
5 Department of Health, and a newly created Pennsylvania Drug,
6 Device and Cosmetic Board; establishing schedules of
7 controlled substances; providing penalties; requiring
8 registration of persons engaged in the drug trade and for the
9 revocation or suspension of certain licenses and
10 registrations; and repealing an act," further providing for
11 authority to control, FOR SCHEDULES OF CONTROLLED SUBSTANCES, <--
12 for liquefied ammonia gas, precursors and chemicals and for
13 promulgation of regulations.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Section 3(c) of the act of April 14, 1972
17 (P.L.233, No.64), known as The Controlled Substance, Drug,
18 Device and Cosmetic Act, is amended and the section is amended
19 by adding subsections to read:

20 Section 3. Authority to Control.--

21 * * *

1 (c) [The secretary shall not remove any substance from
2 control under this act unless specifically authorized by the
3 General Assembly to do so. The secretary shall not reschedule
4 any controlled substance unless specifically authorized by the
5 board to do so.] Notwithstanding subsection (a), if the
6 secretary finds that the health and safety of the public will
7 not be adversely affected, the secretary may:

8 (1) Reschedule any controlled substance to coincide with
9 Federal law, including the Controlled Substances Act (Public Law
10 91-513, 84 Stat. 1236, 21 U.S.C. § 801 et seq.), regulations
11 promulgated under 21 CFR Ch. 2 (relating to drug enforcement
12 administration, department of justice) or any Federal judicial
13 order. The secretary shall publish a notice in the Pennsylvania
14 Bulletin of the rescheduling of a controlled substance under
15 this clause. The rescheduling of the controlled substance to a
16 higher schedule may not take effect earlier than thirty days
17 after publication of the notice in the Pennsylvania Bulletin.
18 The rescheduling of a controlled substance to a lower schedule
19 may take effect upon publication in the Pennsylvania Bulletin.

20 (2) Exclude any substance or remove any controlled substance
21 from any schedule, provided that the substance or controlled
22 substance has been approved for over-the-counter use without a
23 prescription under Federal law, including the Federal Food, Drug
24 and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301, et seq.),
25 regulations promulgated under 21 CFR Ch. 1 (relating to food and
26 drug administration, department of health and human services) or
27 any Federal judicial order.

28 (d) If the secretary finds that the scheduling of a
29 substance on a temporary basis is necessary to avoid an imminent
30 hazard to public safety, the secretary may, by publishing a

1 final notice in the Pennsylvania Bulletin and without regard to
2 the requirements of subsection (a), schedule a substance under
3 one of the schedules in section 4 if the substance is not listed
4 in any other schedule in section 4 or 28 Pa. Code §§ 25.72
5 (relating to schedules of controlled substances) and 25.75
6 (relating to paregoric) and if no exception or approval is in
7 effect for the substance under section 505 of the Federal Food,
8 Drug and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 355). The
9 following apply:

10 (1) A final order may not be issued before the expiration of
11 fourteen days after both:

12 (i) The date of publication in the Pennsylvania Bulletin of
13 a proposed notice of the intention to issue a final notice and
14 the grounds upon which the order is to be issued.

15 (ii) The date the secretary transmitted the notice to the
16 Attorney General as required by clause (4).

17 (2) The scheduling of a substance under this subsection
18 shall expire at the end of one year from the date of publication
19 of the final notice scheduling of the substance except that the
20 secretary may, during the pendency of proceedings under
21 subsection (a) with respect to the substance, extend the
22 temporary scheduling for up to one additional year by publishing
23 a subsequent notice in the Pennsylvania Bulletin prior to the
24 expiration of the initial notice.

25 (3) When issuing a proposed notice under clause (1), the
26 secretary shall be required to consider, with respect to the
27 finding of an imminent hazard to public safety, only those
28 factors set forth in subsection (a)(4), (5), (6) and (8), except
29 that, if clause (8) has been met regarding the temporary or
30 permanent scheduling of a specific substance under Federal law,

1 the secretary shall be authorized to temporarily schedule the
2 substance without regard to clauses (4), (5) and (6).

3 (4) The secretary shall transmit the proposed notice issued
4 under clause (1) to the Attorney General. The Attorney General
5 shall have thirty days from receipt of the proposed notice to
6 provide written comments, if any, on relevant issues, including
7 actual abuse, diversion from legitimate channels and clandestine
8 importation, manufacture or distribution. In issuing a final
9 notice under this subsection, the secretary shall take into
10 consideration any comments submitted by the Attorney General.

11 (5) (i) Except as provided in subclause (ii), during the
12 time period that a substance is temporarily scheduled, the
13 secretary shall proceed with the permanent scheduling of the
14 substance pursuant to the requirements under subsection (a).

15 (ii) If a substance has been temporarily scheduled and the
16 secretary proceeds with permanent scheduling, the secretary
17 shall only be required to proceed under section 5(a) of the act
18 of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
19 Review Act," by submitting final omitted regulations.

20 (iii) A final notice issued under clause (1) with respect to
21 a substance shall be vacated upon the conclusion of a subsequent
22 rulemaking proceeding initiated under subsection (a) with
23 respect to the substance or the enactment of law by the General
24 Assembly permanently scheduling the substance.

25 (iv) While the substance is temporarily scheduled, if the
26 secretary determines that a substance should not be permanently
27 scheduled, and no law has been enacted by the General Assembly
28 to permanently schedule the substance, the secretary shall
29 publish a notice in the Pennsylvania Bulletin with a rationale
30 as to why the substance is not being permanently scheduled. Upon

1 publication of the notice, the substance shall no longer be
2 considered a controlled substance. Withdrawal of a temporarily
3 scheduled substance under this subclause shall not affect any
4 criminal proceeding or civil action initiated based on the
5 temporary scheduling.

6 (6) Temporary scheduling of a substance by the secretary
7 under this subsection shall not be subject to section 612 of the
8 act of April 9, 1929 (P.L.177, No.175), known as "The
9 Administrative Code of 1929," the act of July 31, 1968 (P.L.769,
10 No.240), referred to as the Commonwealth Documents Law, the act
11 of October 15, 1980 (P.L.950, No.164), known as the
12 "Commonwealth Attorneys Act," or the "Regulatory Review Act."

13 (7) A proposed or final notice issued by the secretary under
14 this subsection shall not be subject to judicial review.

15 (e) As used in this section, the term "substance" shall
16 include any group of substances, material, mixture, compound,
17 salts, isomers, salts of isomers, analogs, homologues or
18 homologous series.

19 SECTION 2. SECTION 4(1)(II), (III), (III.1), (VII) AND <--
20 (VIII), (2)(I) AND (III), (3)(I), (III), (VII) AND (IX), (4)(I)
21 AND (5) OF THE ACT, AMENDED OR ADDED NOVEMBER 26, 1978
22 (P.L.1392, NO.328), JULY 3, 1985 (P.L.138, NO.39), NOVEMBER 24,
23 1999 (P.L.894, NO.55), OCTOBER 18, 2000 (P.L.601, NO.78), JUNE
24 23, 2011 (P.L.36, NO.7) AND JULY 2, 2013 (P.L.242, NO.40), ARE
25 AMENDED TO READ:

26 SECTION 4. SCHEDULES OF CONTROLLED SUBSTANCES.--THE
27 FOLLOWING SCHEDULES INCLUDE THE CONTROLLED SUBSTANCES LISTED OR
28 TO BE LISTED BY WHATEVER OFFICIAL NAME, COMMON OR USUAL NAME,
29 CHEMICAL NAME, OR TRADE NAME DESIGNATED.

30 (1) SCHEDULE I--IN DETERMINING THAT A SUBSTANCE COMES WITHIN

1 THIS SCHEDULE, THE SECRETARY SHALL FIND: A HIGH POTENTIAL FOR
2 ABUSE, NO CURRENTLY ACCEPTED MEDICAL USE IN THE UNITED STATES,
3 AND A LACK OF ACCEPTED SAFETY FOR USE UNDER MEDICAL SUPERVISION.
4 THE FOLLOWING CONTROLLED SUBSTANCES ARE INCLUDED IN THIS
5 SCHEDULE:

6 * * *

7 (II) ANY OF THE FOLLOWING OPIUM DERIVATIVES, THEIR SALTS,
8 ISOMERS AND SALTS OF ISOMERS, UNLESS SPECIFICALLY EXCEPTED,
9 WHENEVER THE EXISTENCE OF SUCH SALTS, ISOMERS AND SALTS OF
10 ISOMERS IS POSSIBLE WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

- 11 1. ACETORPHINE.
- 12 2. ACETYLDIHYDROCODEINE.
- 13 3. BENZYL MORPHINE.
- 14 4. CODEINE METHYLBROMIDE.
- 15 5. CODEINE-N-OXIDE.
- 16 6. CYPRENORPHINE.
- 17 7. DESOMORPHINE.
- 18 8. DIHYDROMORPHINE.
- 19 9. ETORPHINE.
- 20 10. HEROIN.
- 21 11. HYDROMORPHINOL.
- 22 12. METHYLDESORPHINE.
- 23 13. METHYLHYDROMORPHINE.
- 24 14. MORPHINE METHYLBROMIDE.
- 25 15. MORPHINE METHYLSULFONATE.
- 26 16. MORPHINE-N-OXIDE.
- 27 17. MYORPHINE.
- 28 18. NICOCODEINE.
- 29 19. NICOMORPHINE.
- 30 20. NORMORPHINE.

1 21. PHOLCODINE.

2 22. THEBACON.

3 23. ACETYL FENTANYL.

4 (III) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION WHICH
5 CONTAINS ANY QUANTITY OF THE FOLLOWING HALLUCINOGENIC
6 SUBSTANCES, THEIR SALTS, ISOMERS, AND SALTS OF ISOMERS, UNLESS
7 SPECIFICALLY EXCEPTED, WHENEVER THE EXISTENCE OF SUCH SALTS,
8 ISOMERS, AND SALTS OF ISOMERS IS POSSIBLE WITHIN THE SPECIFIC
9 CHEMICAL DESIGNATION:

10 1. 3,4-METHYLENEDIOXY AMPHETAMINE.

11 2. 5-METHOXY-3,4-METHYLENEDIOXY AMPHETAMINE.

12 3. 3,4,5-TRIMETHOXY AMPHETAMINE.

13 4. BUFOTENINE.

14 5. DIETHYLTRYPTAMINE.

15 6. DIMETHYLTRYPTAMINE.

16 7. 4-METHYL-2,5-DIMETHOXYAMPHETAMINE.

17 8. IBOGAINE.

18 9. LYSERGIC ACID DIETHYLAMIDE.

19 10. MESCALINE.

20 11. PEYOTE.

21 12. N-ETHYL-3-PIPERIDYL BENZILATE.

22 13. N-METHYL-3-PIPERIDYL BENZILATE.

23 14. PSILOCYBIN.

24 15. PSILOCYN.

25 16. TETRAHYDROCANNABINOLS.

26 17. SALVIA DIVINORUM.

27 18. SALVINORIN A.

28 19. DIVINORIN A.

29 20. 3,4-METHYLENEDIOXYMETHCATHINONE (METHYLONE).

30 21. [3,4-METHYENEDIOXYPYROVALERONE (MDPV)] 3,4-

- 1 METHYLENEDIOXYPYROVALERONE (MDPV).
- 2 22. 4-METHYLMETHCATHINONE (MEPHEDRONE).
- 3 23. 4-METHOXYMETHCATHINONE.
- 4 24. 4-FLUOROMETHCATHINONE.
- 5 25. 3-FLUOROMETHCATHINONE.
- 6 26. 3,4-METHYLENEDIOXYMETHAMPHETAMINE.
- 7 27. METHOXETAMINE.

8 (III.1) [ANY] SUBSTITUTED CATHINONES - ANY COMPOUND, EXCEPT
9 BUPROPION OR COMPOUNDS LISTED UNDER A DIFFERENT SCHEDULE, OR
10 COMPOUNDS USED WITHIN LEGITIMATE AND APPROVED MEDICAL RESEARCH,
11 STRUCTURALLY DERIVED FROM 2-AMINOPROPAN-1-ONE BY SUBSTITUTION AT
12 THE 1-POSITION WITH MONOCYCLIC OR FUSED POLYCYCLIC RING SYSTEMS,
13 WHETHER OR NOT THE COMPOUND IS FURTHER MODIFIED IN ANY OF THE
14 FOLLOWING WAYS:

15 1. BY SUBSTITUTION IN THE RING SYSTEM TO ANY EXTENT WITH
16 ALKYL, ALKYLENEDIOXY, ALKOXY, HALOALKYL, HYDROXYL OR HALIDE
17 SUBSTITUENTS WHETHER OR NOT FURTHER SUBSTITUTED IN THE RING
18 SYSTEM BY ONE OR MORE OTHER UNIVALENT SUBSTITUENTS.

19 2. BY SUBSTITUTION AT THE 3-POSITION WITH AN ACYCLIC ALKYL
20 SUBSTITUENT.

21 3. BY SUBSTITUTION AT THE 2-AMINO NITROGEN ATOM WITH ALKYL,
22 DIALKYL, BENZYL OR METHOXYBENZYL GROUPS.

23 4. BY INCLUSION OF THE 2-AMINO NITROGEN ATOM IN A CYCLIC
24 STRUCTURE.

25 * * *

26 (VII) SYNTHETIC CANNABINOIDS, INCLUDING ANY MATERIAL,
27 COMPOUND, MIXTURE OR PREPARATION THAT IS NOT LISTED AS A
28 CONTROLLED SUBSTANCE IN SCHEDULES I, II, III, IV AND V, IS NOT A
29 FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED DRUG OR NOT USED
30 WITHIN LEGITIMATE AND APPROVED MEDICAL RESEARCH AND WHICH

1 CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES, THEIR SALTS,
2 ISOMERS, WHETHER OPTICAL, POSITIONAL OR GEOMETRIC, ANALOGUES,
3 HOMOLOGUES AND SALTS OF ISOMERS, ANALOGUES AND HOMOLOGUES,
4 UNLESS SPECIFICALLY EXEMPTED, WHENEVER THE EXISTENCE OF THESE
5 SALTS, ISOMERS, ANALOGUES, HOMOLOGUES AND SALTS OF ISOMERS,
6 ANALOGUES AND HOMOLOGUES IF POSSIBLE WITHIN THE SPECIFIC
7 CHEMICAL DESIGNATION:

8 1. TETRAHYDROCANNABINOLS MEANING TETRAHYDROCANNABINOLS WHICH
9 ARE NATURALLY CONTAINED IN A PLANT OF THE GENUS CANNABIS AS WELL
10 AS SYNTHETIC EQUIVALENTS OF THE SUBSTANCES CONTAINED IN THE
11 PLANT OR IN THE RESINOUS EXTRACTIVES OF CANNABIS OR SYNTHETIC
12 SUBSTANCES, DERIVATIVES AND THEIR ISOMERS WITH ANALOGOUS
13 CHEMICAL STRUCTURE AND OR PHARMACOLOGICAL ACTIVITY SUCH AS THE
14 FOLLOWING:

15 (A) DELTA-1 CIS OR TRANS TETRAHYDROCANNABINOL AND THEIR
16 OPTICAL ISOMERS.

17 (B) DELTA-6 CIS OR TRANS TETRAHYDROCANNABINOL AND THEIR
18 OPTICAL ISOMERS.

19 (C) DELTA-3,4 CIS OR THEIR TRANS TETRAHYDROCANNABINOL AND
20 THEIR OPTICAL ISOMERS.

21 2. [NAPHTHOYLINDOLES OR ANY COMPOUND CONTAINING A 3-(-1-
22 NAPHTHOYL) INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
23 ATOM OF THE INDOLE RING WHETHER OR NOT FURTHER SUBSTITUTED IN
24 THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED IN
25 THE NAPHTHYL RING TO ANY EXTENT. THIS SHALL INCLUDE THE
26 FOLLOWING:

27 (A) JWH 015.

28 (B) JWH 018.

29 (C) JWH 019.

30 (D) JWH 073.

- 1 (E) JWH 081.
- 2 (F) JWH 122.
- 3 (G) JWH 200.
- 4 (H) JWH 210.
- 5 (I) JWH 398.
- 6 (J) AM 2201.
- 7 (K) WIN 55,212.]

8 INDOLE CARBOXALDEHYDES - ANY COMPOUND STRUCTURALLY DERIVED
9 FROM 1H-INDOLE-3-CARBOXALDEHYDE OR 1H-INDOLE-2-CARBOXALDEHYDE:

10 (A) SUBSTITUTED IN BOTH OF THE FOLLOWING WAYS:

11 (I) AT THE NITROGEN ATOM OF THE INDOLE RING.

12 (II) AT THE CARBON OF THE CARBOXALDEHYDE BY A PHENYL,
13 BENZYL, NAPHTHYL, ADAMANTYL, CYCLOPROPYL OR PROPIONALDEHYDE
14 GROUP; AND

15 (B) WHETHER OR NOT THE COMPOUND IS FURTHER MODIFIED TO ANY
16 EXTENT IN ANY OF THE FOLLOWING WAYS:

17 (I) SUBSTITUTION TO THE INDOLE RING TO ANY EXTENT.

18 (II) SUBSTITUTION TO THE PHENYL, BENZYL, NAPHTHYL,
19 ADAMANTYL, CYCLOPROPYL OR PROPIONALDEHYDE GROUP TO ANY EXTENT.

20 (III) A NITROGEN HETEROCYCLIC ANALOG OF THE INDOLE RING.

21 (IV) A NITROGEN HETEROCYCLIC ANALOG OF THE PHENYL, BENZYL,
22 NAPHTHYL, ADAMANTYL OR CYCLOPROPYL RING.

23 THIS SHALL INCLUDE AM 1248, AM 2201, AM 679, AM 694, FUB-144,
24 JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200,
25 JWH 203, JWH 210, JWH 250, JWH 251, JWH 302, JWH 398, MAM-2201,
26 RCS-4, RCS-8, THJ-018, THJ-2201, UR-144, WIN 55-212, WIN 48-098
27 AND XLR-11.

28 2.1. INDOLE CARBOXAMIDES - ANY COMPOUND STRUCTURALLY DERIVED
29 FROM 1H-INDOLE-3-CARBOXAMIDE OR 1H-INDOLE-2-CARBOXAMIDE:

30 (A) SUBSTITUTED IN BOTH OF THE FOLLOWING WAYS:

1 (I) AT THE NITROGEN ATOM OF THE INDOLE RING.

2 (II) AT THE NITROGEN OF THE CARBOXAMIDE BY A PHENYL, BENZYL,
3 NAPHTHYL, ADAMANTYL, CYCLOPROPYL OR PROPIONALDEHYDE GROUP; AND

4 (B) WHETHER OR NOT THE COMPOUND IS FURTHER MODIFIED TO ANY
5 EXTENT IN ANY OF THE FOLLOWING WAYS:

6 (I) SUBSTITUTION TO THE INDOLE RING TO ANY EXTENT.

7 (II) SUBSTITUTION TO THE PHENYL, BENZYL, NAPHTHYL,
8 ADAMANTYL, CYCLOPROPYL OR PROPIONALDEHYDE GROUP TO ANY EXTENT.

9 (III) A NITROGEN HETEROCYCLIC ANALOG OF THE INDOLE RING.

10 (IV) A NITROGEN HETEROCYCLIC ANALOG OF THE PHENYL, BENZYL,
11 NAPHTHYL, ADAMANTYL OR CYCLOPROPYL RING.

12 THIS SHALL INCLUDE AB-CHMINACA, AB-FUBINACA, AB-PINACA,
13 ADBICA, ADB-PINACA, AKB-48, AMB, NNEI, STS-135 AND THJ.

14 2.2. INDOLE CARBOXYLIC ACIDS - ANY COMPOUND STRUCTURALLY
15 DERIVED FROM 1H-INDOLE-3-CARBOXYLIC ACID OR 1H-INDOLE-2-
16 CARBOXYLIC ACID:

17 (A) SUBSTITUTED IN BOTH OF THE FOLLOWING WAYS:

18 (I) AT THE NITROGEN ATOM OF THE INDOLE.

19 (II) AT THE HYDROXYL GROUP OF THE CARBOXYLIC ACID BY A
20 PHENYL, BENZYL, NAPHTHYL, ADAMANTYL, CYCLOPROPYL OR
21 PROPIONALDEHYDE GROUP; AND

22 (B) WHETHER OR NOT THE COMPOUND IS FURTHER MODIFIED TO ANY
23 EXTENT IN ANY OF THE FOLLOWING WAYS:

24 (I) SUBSTITUTION TO THE INDOLE RING TO ANY EXTENT.

25 (II) SUBSTITUTION TO THE PHENYL, BENZYL, NAPHTHYL,
26 ADAMANTYL, CYCLOPROPYL OR PROPIONALDEHYDE GROUP TO ANY EXTENT.

27 (III) A NITROGEN HETEROCYCLIC ANALOG OF THE INDOLE RING.

28 (IV) A NITROGEN HETEROCYCLIC ANALOG OF THE PHENYL, BENZYL,
29 NAPHTHYL, ADAMANTYL OR CYCLOPROPYL RING.

30 THIS SHALL INCLUDE BB-22, 3-CAF, FDU-PB-22, FUB-PB-22, NM2201

1 AND PB-22.

2 3. NAPHTHYLMETHYLINDOLES OR ANY COMPOUND CONTAINING A 1H-
3 INDOL-3-YL-(1-NAPHTHYL) METHANE STRUCTURE WITH A SUBSTITUTION AT
4 THE NITROGEN ATOM OF THE INDOLE RING WHETHER OR NOT FURTHER
5 SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT
6 SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT. THIS SHALL
7 INCLUDE JWH 175 AND JWH 184.

8 4. NAPHTHOYLPYRROLES OR ANY COMPOUND CONTAINING A 3-(1-
9 NAPHTHOYL) PYRROLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
10 ATOM OF THE PYRROLE RING WHETHER OR NOT FURTHER SUBSTITUTED IN
11 THE PYRROLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED IN
12 THE NAPHTHYL RING TO ANY EXTENT. THIS SHALL INCLUDE JWH 147 AND
13 JWH 307.

14 5. NAPHTHYLMETHYLINDENES OR ANY COMPOUND CONTAINING A
15 NAPHTHYLIDENEINDENE STRUCTURE WITH SUBSTITUTION AT THE 3-
16 POSITION OF THE INDENE RING WHETHER OR NOT FURTHER SUBSTITUTED
17 IN THE INDENE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED
18 IN THE NAPHTHYL RING TO ANY EXTENT. THIS SHALL INCLUDE JWH 176.

19 [6. PHENYLACETYLINDOLES OR ANY COMPOUND CONTAINING A 3-
20 PHENYLACETYLINDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
21 ATOM OF THE INDOLE RING WHETHER OR NOT FURTHER SUBSTITUTED IN
22 THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED IN
23 THE PHENYL RING TO ANY EXTENT. THIS SHALL INCLUDE THE FOLLOWING:

24 (A) RCS-8, SR-18 OR BTM-8.

25 (B) JWH 250.

26 (C) JWH 203.

27 (D) JWH 251.

28 (E) JWH 302.]

29 7. CYCLOHEXYLPHENOLS OR ANY COMPOUND CONTAINING A 2-(3-
30 HYDROXYCYCLOHEXYL) PHENOL STRUCTURE WITH A SUBSTITUTION AT THE

1 5-POSITION OF THE PHENOLIC RING WHETHER OR NOT SUBSTITUTED IN
2 THE CYCLOHEXYL RING TO ANY EXTENT. THIS SHALL INCLUDE THE
3 FOLLOWING:

4 (A) CP 47,497 AND ITS HOMOLOGUES AND ANALOGUES.

5 (B) CANNABICYCLOHEXANOL.

6 (C) CP 55,940.

7 [8. BENZOYLINDOLES OR ANY COMPOUND CONTAINING A 3-(BENZOYL)
8 INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN ATOM OF THE
9 INDOLE RING WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDOLE
10 RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED IN THE PHENYL
11 RING TO ANY EXTENT. THIS SHALL INCLUDE THE FOLLOWING:

12 (A) AM 694.

13 (B) PRAVADOLINE WIN 48,098.

14 (C) RCS 4.

15 (D) AM 679.]

16 9. [2,3-DIHYDRO-5 METHYL-3-(4-MORPHOLINYLMETHYL) PYRROLO
17 [1,2,3-DE]-1, 4-BENZOXAZIN-6-YL]-1-NAPHTHALENYMETHANONE. THIS
18 SHALL INCLUDE WIN 55,212-2.

19 10. DIBENZOPYRANS OR ANY COMPOUND CONTAINING A 11-HYDROXY-
20 DELTA 8-TETRAHYDROCANNABINOL STRUCTURE WITH SUBSTITUTION ON THE
21 3-PENTYL GROUP. THIS SHALL INCLUDE HU-210, HU-211, JWH 051 AND
22 JWH 133.

23 [11. ADAMANTOYLINDOLES OR ANY COMPOUND CONTAINING A 3-(-1-
24 ADAMANTOYL) INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
25 ATOM OF THE INDOLE RING WHETHER OR NOT FURTHER SUBSTITUTED IN
26 THE ADAMANTOYL RING SYSTEM TO ANY EXTENT. THIS SHALL INCLUDE AM
27 1248.

28 12. TETRAMETHYLCYCLOPROPYLINDOLES OR ANY COMPOUND CONTAINING
29 A 3-TETRAMETHYLCYCLOPROPYLINDOLE STRUCTURE WITH SUBSTITUTION AT
30 THE NITROGEN ATOM OF THE INDOLE RING WHETHER OR NOT FURTHER

1 SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT
2 SUBSTITUTED IN THE TETRAMETHYLCYCLOPROPYL RING TO ANY EXTENT.
3 THIS SHALL INCLUDE UR-144 AND XLR-11.

4 13. N-(1-ADAMANTYL)-1-PENTYL-1H-INDAZOLE-3-CARBOXAMIDE. THIS
5 SHALL INCLUDE AKB48.]

6 14. ANY OTHER SYNTHETIC CHEMICAL COMPOUND THAT IS A
7 CANNABINOID RECEPTOR TYPE 1 AGONIST AS DEMONSTRATED BY BINDING
8 STUDIES AND FUNCTIONAL ASSAYS THAT IS NOT LISTED IN SCHEDULES
9 II, III, IV AND V, NOT A FEDERAL FOOD AND DRUG ADMINISTRATION-
10 APPROVED DRUG OR NOT USED WITHIN LEGITIMATE, APPROVED MEDICAL
11 RESEARCH.

12 (VIII) PSYCHEDELIC PHENETHYLAMINES, THEIR ANALOGUES,
13 CONGENERS, HOMOLOGUES, ISOMERS, SALTS AND THE SALTS OF
14 ANALOGUES, CONGENERS, HOMOLOGUES AND ISOMERS AS FOLLOWS:

- 15 1. 2-(2,5-DIMETHOXY-4-ETHYLPHENYL)ETHANAMINE (2C-E).
- 16 2. 2-(2,5-DIMETHOXY-4-METHYLPHENYL)ETHANAMINE (2C-D).
- 17 3. 2-(4-CHLORO-2,5-DIMETHOXYPHENYL)ETHANAMINE (2C-C).
- 18 4. 2-(4-IODO-2,5-DIMETHOXYPHENYL)ETHANAMINE (2C-I).
- 19 5. 2-[4-(ETHYLTHIO)-2,5-DIMETHOXYPHENYL]ETHANAMINE (2C-T-2).
- 20 6. 2-[4-(ISOPROPYLTHIO)-2,5-DIMETHOXYPHENYL]ETHANAMINE (2C-
21 T-4).
- 22 7. 2-(2,5-DIMETHOXYPHENYL)ETHANAMINE (2C-H).
- 23 8. 2-(2,5-DIMETHOXY-4-NITRO-PHENYL)ETHANAMINE (2C-N).
- 24 9. 2-(2,5-DIMETHOXY-4-(N)-PROPYLPHENYL)ETHANAMINE (2C-P).
- 25 10. 2-(4-CHLORO-2,5-DIMETHOXYPHENYL)-N-(2-METHOXYBENZYL)
26 ETHANAMINE (25C-NBOME).
- 27 11. 2-(4-IODO-2,5-DIMETHOXYPHENYL)-N-(2-METHOXYBENZYL)
28 ETHANAMINE (25I-NBOME).
- 29 12. 2-(4-BROMO-2,5-DIMETHOXYPHENYL)-N-(2-METHOXYBENZYL)
30 ETHANAMINE (25B-NBOME).

1 (2) SCHEDULE II--IN DETERMINING THAT A SUBSTANCE COMES
2 WITHIN THIS SCHEDULE, THE SECRETARY SHALL FIND: A HIGH POTENTIAL
3 FOR ABUSE, CURRENTLY ACCEPTED MEDICAL USE IN THE UNITED STATES,
4 OR CURRENTLY ACCEPTED MEDICAL USE WITH SEVERE RESTRICTIONS, AND
5 ABUSE MAY LEAD TO SEVERE PSYCHIC OR PHYSICAL DEPENDENCE. THE
6 FOLLOWING CONTROLLED SUBSTANCES ARE INCLUDED IN THIS SCHEDULE:

7 (I) ANY OF THE FOLLOWING SUBSTANCES, OF ANY QUANTITY, EXCEPT
8 THOSE NARCOTICS SPECIFICALLY EXCEPTED OR LISTED IN OTHER
9 SCHEDULES, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION
10 FROM SUBSTANCES OF VEGETABLE ORIGIN, OR INDEPENDENTLY BY MEANS
11 OF CHEMICAL SYNTHESIS, OR BY COMBINATION OF EXTRACTION AND
12 CHEMICAL SYNTHESIS:

13 1. OPIUM AND OPIATE, AND ANY SALT, COMPOUND, DERIVATIVE, OR
14 PREPARATION OF OPIUM OR OPIATE, INCLUDING HYDROCODONE, MORPHINE
15 AND OXYCODONE.

16 2. ANY SALT, COMPOUND, DERIVATIVE, OR PREPARATION THEREOF
17 WHICH IS CHEMICALLY EQUIVALENT OR IDENTICAL WITH ANY OF THE
18 SUBSTANCES REFERRED TO IN SUBCLAUSE 1, EXCEPT THAT THESE
19 SUBSTANCES SHALL NOT INCLUDE THE ISOQUINOLINE ALKALOIDS OF
20 OPIUM.

21 3. OPIUM POPPY AND POPPY STRAW.

22 4. COCA LEAVES AND ANY SALT, COMPOUND, DERIVATIVE, OR
23 PREPARATION OF COCA LEAVES, AND ANY SALT, COMPOUND, DERIVATIVE,
24 OR PREPARATION THEREOF WHICH IS CHEMICALLY EQUIVALENT OR
25 IDENTICAL WITH ANY OF THESE SUBSTANCES, BUT SHALL NOT INCLUDE
26 DECOCAINIZED COCA LEAVES OR EXTRACTS OF COCA LEAVES, WHICH
27 EXTRACTS DO NOT CONTAIN COCAINE OR ECGONINE.

28 * * *

29 (III) UNLESS SPECIFICALLY EXCEPTED OR UNLESS LISTED IN
30 ANOTHER SCHEDULE, ANY MATERIAL, COMPOUND, MIXTURE OR PREPARATION

1 WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES:

- 2 1. AMPHETAMINE, ITS SALTS, OPTICAL ISOMERS, AND SALTS OF
- 3 ITS OPTICAL ISOMERS.
- 4 2. PHENMETRAZINE AND ITS SALTS.
- 5 3. METHYLPHENIDATE.
- 6 4. METHAMPHETAMINE INCLUDING ITS SALTS, ISOMERS AND SALTS
- 7 OF ISOMERS.
- 8 5. LISDEXAMFETAMINE.

9 * * *

10 (3) SCHEDULE III--IN DETERMINING THAT A SUBSTANCE COMES
11 WITHIN THIS SCHEDULE, THE SECRETARY SHALL FIND: A POTENTIAL FOR
12 ABUSE LESS THAN THE SUBSTANCES LISTED IN SCHEDULES I AND II;
13 WELL DOCUMENTED AND CURRENTLY ACCEPTED MEDICAL USE IN THE UNITED
14 STATES; AND ABUSE MAY LEAD TO MODERATE OR LOW PHYSICAL
15 DEPENDENCE OR HIGH PSYCHOLOGICAL DEPENDENCE. THE FOLLOWING
16 CLASSES OF CONTROLLED SUBSTANCES ARE INCLUDED IN THIS SCHEDULE:

17 (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION UNLESS
18 SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE WHICH
19 CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES:

- 20 1. ANY SUBSTANCE WHICH CONTAINS ANY QUANTITY OF A
- 21 DERIVATIVE OF BARBITURIC ACID, OR ANY SALT OF A
- 22 DERIVATIVE OF BARBITURIC ACID.
- 23 2. CHORHEXADOL.
- 24 3. GLUTETHIMIDE.
- 25 4. LYSERGIC ACID.
- 26 5. LYSERGIC ACID AMIDE.
- 27 6. METHYPRYLON.
- 28 8. SULFONDIETHYLMETHANE.
- 29 9. SULFONETHYLMETHANE.
- 30 10. SULFONMETHANE.

1 11. BUPRENORPHINE.

2 * * *

3 (III) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION
4 CONTAINING LIMITED QUANTITIES OF THE FOLLOWING NARCOTIC DRUGS,
5 OR ANY SALTS THEREOF, UNLESS SPECIFICALLY EXCEPTED OR LISTED IN
6 OTHER SCHEDULES:

7 1. NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR
8 NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH AN EQUAL OR
9 GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF OPIUM.

10 2. NOT MORE THAN 1.8 GRAMS OF CODEINE PER 100 MILLILITERS OR
11 NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH ONE OR MORE
12 ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED THERAPEUTIC
13 AMOUNTS.

14 [3. NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100
15 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
16 A FOURFOLD OR GREATER QUANTITY OF AN ISOQUINOLINE ALKALOID OF
17 OPIUM.

18 4. NOT MORE THAN 300 MILLIGRAMS OF DIHYDROCODEINONE PER 100
19 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
20 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
21 THERAPEUTIC AMOUNTS.]

22 5. NOT MORE THAN 1.8 GRAMS OF DIHYDROCODEINE PER 100
23 MILLILITERS OR NOT MORE THAN 90 MILLIGRAMS PER DOSAGE UNIT, WITH
24 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
25 THERAPEUTIC AMOUNTS.

26 6. NOT MORE THAN 300 MILLIGRAMS OF ETHYLMORPHINE PER 100
27 MILLILITERS OR NOT MORE THAN 15 MILLIGRAMS PER DOSAGE UNIT, WITH
28 ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN RECOGNIZED
29 THERAPEUTIC AMOUNTS.

30 7. NOT MORE THAN 500 MILLIGRAMS OF OPIUM PER 100 MILLILITERS

1 OR PER 100 GRAMS, OR NOT MORE THAN 25 MILLIGRAMS PER DOSAGE
2 UNIT, WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS IN
3 RECOGNIZED THERAPEUTIC AMOUNTS.

4 8. NOT MORE THAN 50 MILLIGRAMS OF MORPHINE PER 100
5 MILLILITERS OR PER 100 GRAMS AND NOT MORE THAN 2.5 MILLIGRAMS
6 PER DOSAGE UNIT WITH ONE OR MORE ACTIVE, NONNARCOTIC INGREDIENTS
7 IN RECOGNIZED THERAPEUTIC AMOUNTS.

8 * * *

9 (VII) ANABOLIC STEROID INCLUDES ANY MATERIAL, COMPOUND,
10 MIXTURE OR PREPARATION THAT INCLUDES ANY OF THE FOLLOWING OR ANY
11 ISOMER, ESTER, SALT OR DERIVATIVE OF ANY OF THE FOLLOWING THAT
12 ACTS IN THE SAME MANNER ON THE HUMAN BODY:

- 13 1. CHORIONIC GONADOTROPIN.
- 14 2. CLOSTEBOL.
- 15 3. DEHYDROCHLORMETHYLTESTOSTERONE.
- 16 4. ETHYLESTRENOL.
- 17 5. FLUOXYMESTERONE.
- 18 6. MESTEROLONE.
- 19 7. METENOLONE.
- 20 8. METHANDIENONE.
- 21 9. METHANDROSTENOLONE.
- 22 10. METHYLTESTOSTERONE.
- 23 11. NANDROLONE [DECANOATE].
- 24 [12. NANDROLONE PHENPROPIONATE.]
- 25 13. NORETHANDROLONE.
- 26 14. OXANDROLONE.
- 27 15. OXYMESTERONE.
- 28 16. OXYMETHOLONE.
- 29 17. STANZOLOL.
- 30 18. TESTOSTERONE [PROPIONATE].

1 19. TESTOSTERONE-LIKE RELATED COMPOUNDS.
2 HUMAN GROWTH HORMONE (HGH) SHALL NOT BE INCLUDED AS AN ANABOLIC
3 STEROID UNDER THE PROVISIONS OF THIS ACT. AN ANABOLIC STEROID
4 WHICH IS A COMBINATION OF ESTROGEN AND ANABOLIC STEROID AND
5 WHICH IS EXPRESSLY INTENDED FOR ADMINISTRATION TO HORMONE-
6 DEFICIENT WOMEN SHALL BE EXEMPT FROM THE PROVISIONS OF THIS ACT.
7 A PERSON WHO PRESCRIBES, DISPENSES OR DISTRIBUTES AN ANABOLIC
8 STEROID WHICH IS A COMBINATION OF ESTROGEN AND ANABOLIC STEROIDS
9 AND WHICH IS INTENDED FOR ADMINISTRATION TO HORMONE-DEFICIENT
10 WOMEN FOR USE BY PERSONS WHO ARE NOT HORMONE-DEFICIENT WOMEN
11 SHALL BE CONSIDERED TO HAVE PRESCRIBED, DISPENSED OR DISTRIBUTED
12 AN ANABOLIC STEROID WITHIN THE MEANING OF THIS SUBCLAUSE.

13 * * *

14 (IX) KETAMINE [HYDROCHLORIDE], ANY SALT, KETAMINE
15 [HYDROCHLORIDE] COMPOUND, DERIVATIVE OR PREPARATION OF KETAMINE
16 [HYDROCHLORIDE], INCLUDING ANY ISOMERS, ESTERS AND ETHERS AND
17 SALTS OF ISOMERS, ESTERS AND ETHERS OF KETAMINE [HYDROCHLORIDE].

18 (4) SCHEDULE IV--IN DETERMINING THAT A SUBSTANCE COMES
19 WITHIN THIS SCHEDULE, THE SECRETARY SHALL FIND: A LOW POTENTIAL
20 FOR ABUSE RELATIVE TO SUBSTANCES IN SCHEDULE III; CURRENTLY
21 ACCEPTED MEDICAL USE IN THE UNITED STATES; AND LIMITED PHYSICAL
22 AND/OR PSYCHOLOGICAL DEPENDENCE LIABILITY RELATIVE TO THE
23 SUBSTANCES LISTED IN SCHEDULE III. THE FOLLOWING CONTROLLED
24 SUBSTANCES ARE INCLUDED IN THIS SCHEDULE:

25 (I) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION, UNLESS
26 SPECIFICALLY EXCEPTED OR UNLESS LISTED IN ANOTHER SCHEDULE,
27 WHICH CONTAINS ANY QUANTITY OF THE FOLLOWING SUBSTANCES:

- 28 1. BARBITAL.
- 29 2. CHLORAL BETAINE.
- 30 3. CHLORAL HYDRATE.

- 1 4. ETHCHLORVYNOL.
- 2 5. ETHINAMATE.
- 3 6. METHOHEXITAL.
- 4 7. MEPROBAMATE.
- 5 8. METHYLPHENOBARBITAL.
- 6 9. PARALDEHYDE.
- 7 10. PETRICHLORAL.
- 8 11. PHENOBARBITAL.
- 9 12. ZOPICLONE.
- 10 13. CARISOPRODOL.
- 11 14. TRAMADOL.

12 * * *

13 (5) SCHEDULE V--IN DETERMINING THAT A SUBSTANCE COMES WITHIN
14 THIS SCHEDULE, THE SECRETARY SHALL FIND: A LOW POTENTIAL FOR
15 ABUSE RELATIVE TO THE SUBSTANCES LISTED IN SCHEDULE IV;
16 CURRENTLY ACCEPTED MEDICAL USE IN THE UNITED STATES; AND LIMITED
17 PHYSICAL DEPENDENCE AND/OR PSYCHOLOGICAL DEPENDENCE LIABILITY
18 RELATIVE TO THE SUBSTANCES LISTED IN SCHEDULE IV. THE FOLLOWING
19 CONTROLLED SUBSTANCES ARE INCLUDED IN THIS SCHEDULE:

20 (I) ANY COMPOUND, MIXTURE, OR PREPARATION CONTAINING LIMITED
21 QUANTITIES OF ANY OF THE FOLLOWING NARCOTICS OR ANY OF THEIR
22 SALTS, WHICH SHALL INCLUDE ONE OR MORE NONNARCOTIC ACTIVE
23 MEDICINAL INGREDIENTS IN SUFFICIENT PROPORTION TO CONFER UPON
24 THE COMPOUND, MIXTURE, OR PREPARATION, VALUABLE MEDICINAL
25 QUALITIES OTHER THAN THOSE POSSESSED BY THE NARCOTIC ALONE:

26 1. NOT MORE THAN 200 MILLIGRAMS OF CODEINE, OR ANY OF ITS
27 SALTS, PER 100 MILLILITER OR PER 100 GRAMS AND NOT MORE THAN 10
28 MILLIGRAMS PER DOSAGE UNIT.

29 2. NOT MORE THAN 100 MILLIGRAMS OF DIHYDROCODEINE, OR ANY OF
30 ITS SALTS, PER 100 MILLILITERS OR PER 100 GRAMS AND NOT MORE

1 THAN 5 MILLIGRAMS PER DOSAGE UNIT.

2 3. NOT MORE THAN 100 MILLIGRAMS OF ETHYLMORPHINE, OR ANY OF
3 ITS SALTS, PER 100 MILLILITERS OR PER 100 GRAMS AND NOT MORE
4 THAN 5 MILLIGRAMS PER DOSAGE UNIT.

5 4. NOT MORE THAN 2.5 MILLIGRAMS OF DIPHENOXYLATE AND NOT
6 LESS THAN 25 MICROGRAMS OF ATROPINE SULFATE PER DOSAGE UNIT.

7 5. NOT MORE THAN 100 MILLIGRAMS OF OPIUM PER 100 MILLILITERS
8 OR PER 100 GRAMS, OR NOT MORE THAN 5 MILLIGRAMS PER DOSAGE UNIT.

9 6. PREGABALIN.

10 [(II) BUPRENORPHINE.]

11 Section ~~2~~ 3. Section 13.1 of the act, amended June 24, 2013 <--
12 (P.L.147, No.26), is amended to read:

13 Section 13.1. Liquefied Ammonia Gas; Precursors and
14 Chemicals.--(a) The following acts are prohibited:

15 (1) Possessing or transporting liquefied ammonia gas:

16 (i) for any purpose other than legitimate agricultural or
17 industrial use; or

18 (ii) in a container not approved by the Department of
19 Agriculture or the Department of Transportation or both.

20 (2) Possessing or transporting liquefied ammonia gas with
21 intent to unlawfully manufacture a controlled substance.

22 (3) Possessing [red phosphorous, hypophosphoric acid,
23 ammonium sulfate, phosphorous, iodine, hydriodic acid,
24 ephedrine, pseudoephedrine, lithium, sodium, potassium,
25 sassafras oil, safrole oil or other oil containing safrole or
26 equivalent, whether in powder or liquid form,]
27 phenylpropanolamine, phenyl acetone, methylamine, ammonium
28 sulfate, ammonium nitrate [or], phenyl acetic acid or a
29 precursor substance with intent to unlawfully manufacture a
30 controlled substance.

1 (4) Possessing the esters, salts, optical isomers or salts
2 of optical isomers of any of the substances under clause (3)
3 with intent to manufacture a controlled substance.

4 (b) A person who violates subsection (a)(1) commits a
5 misdemeanor and upon conviction shall be sentenced to
6 imprisonment not exceeding five years and to pay a fine not
7 exceeding ten thousand dollars (\$10,000).

8 (c) A person who violates subsection (a)(2), (3) or (4)
9 commits a felony and upon conviction shall be sentenced to
10 imprisonment not exceeding seven years and to pay a fine not
11 exceeding fifteen thousand dollars (\$15,000).

12 (d) As used in this section, the term "precursor substance"
13 means:

14 (1) red phosphorous, hypophosphoric acid, ammonium sulfate,
15 phosphorous, iodine, hydriodic acid or ephedrine,
16 pseudoephedrine, phenylpropanolamine or any of their salts or
17 optical isomers;

18 (2) salts of optical isomers or lithium, sodium, potassium,
19 sassafras oil or safrole oil or other oil containing safrole or
20 equivalent, whether in powder or liquid form; and

21 (3) any chemical in a regulation promulgated by the
22 secretary under section 35(b).

23 Section ~~3~~ 4. Section 35 of the act is amended to read: <--

24 Section 35. Promulgation of Regulations.--(a) The secretary
25 shall have the authority to promulgate in accordance with the
26 provisions of this section and of the act of July 31, 1968
27 (P.L.769, No. 240), known as the "Commonwealth Documents Law"
28 any regulations hereinbefore referred to in this act and such
29 other regulations with the consent of the board regarding the
30 possession, distribution, sale, purchase or manufacture of

1 controlled substances, other drugs or devices or cosmetics as
2 may be necessary to aid in the enforcement of this act.

3 (b) The following apply to a regulation adding a chemical to
4 the definition of "precursor substance" in section 13.1(d):

5 (1) The secretary may promulgate the regulation:

6 (i) as part of the administration of this act; or

7 (ii) in response to a petition of an interested party.

8 (2) In determining whether to add a chemical, the secretary
9 shall consider all of the following:

10 (i) Whether the chemical is already a controlled substance.

11 (ii) The availability of the chemical for potential illegal
12 diversion.

13 (iii) The historical, actual or potential use of the
14 chemical in the illegal production of a controlled substance,
15 including the scope, duration and significance of use.

16 (iv) The nature and extent of the legitimate uses of the
17 chemical.

18 (v) The clandestine and legitimate importation, manufacture
19 or distribution of the chemical.

20 (vi) Any other factors relevant to and consistent with
21 public health and safety.

22 (3) Promulgation of the regulation is exempt from section
23 612 of the act of April 9, 1929 (P.L.177, No.175), known as "The
24 Administrative Code of 1929" and the act of June 25, 1982
25 (P.L.633, No.181), known as the "Regulatory Review Act."

26 Section ~~4~~ 5. This act shall take effect in 60 days.

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