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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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, SEPTEMBER 29, 2015

AN ACT

Amending the act of April 14, 1972 (P.L.233, No.64), entitled "An act relating to the manufacture, sale and possession of controlled substances, other drugs, devices and cosmetics; conferring powers on the courts and the secretary and Department of Health, and a newly created Pennsylvania Drug, Device and Cosmetic Board; establishing schedules of controlled substances; providing penalties; requiring registration of persons engaged in the drug trade and for the revocation or suspension of certain licenses and registrations; and repealing an act," further providing for authority to control, for schedules of controlled substances, for liquefied ammonia gas, precursors and chemicals and for promulgation of regulations.

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

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

Section 3. Authority to Control.--

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) AT THE TIME OF PUBLICATION BY THE SECRETARY OF A NOTICE IN THE PENNSYLVANIA BULLETIN UNDER SUBSECTION (C) OR (D), THE SECRETARY SHALL ALSO TRANSMIT THE NOTICE TO THE ABC-MAP BOARD. <--

~~(e)~~ (F) As used in this section, the term "substance" shall include any group of substances, material, mixture, compound, salts, isomers, salts of isomers, analogs, homologues or homologous series. <--

Section 2. Section 4(1)(ii), (iii), (iii.1), (vii) and (viii), (2)(i) and (iii), (3)(i), (iii), (vii) and (ix), (4)(i) and (5) of the act, amended or added November 26, 1978 (P.L.1392, No.328), July 3, 1985 (P.L.138, No.39), November 24, 1999 (P.L.894, No.55), October 18, 2000 (P.L.601, No.78), June 23, 2011 (P.L.36, No.7) and July 2, 2013 (P.L.242, No.40), are amended to read:

Section 4. Schedules of Controlled Substances.--The following schedules include the controlled substances listed or

to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

(1) Schedule I--In determining that a substance comes within this schedule, the secretary shall find: a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision. The following controlled substances are included in this schedule:

* * *

(ii) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

1. Acetorphine.
2. Acetyldihydrocodeine.
3. Benzylmorphine.
4. Codeine methylbromide.
5. Codeine-N-Oxide.
6. Cyprenorphine.
7. Desomorphine.
8. Dihydromorphine.
9. Etorphine.
10. Heroin.
11. Hydromorphinol.
12. Methyldesorphine.
13. Methylhydromorphine.
14. Morphine methylbromide.
15. Morphine methylsulfonate.
16. Morphine-N-Oxide.
17. Myrophine.

18. Nicocodeine.

19. Nicomorphine.

20. Normorphine.

21. Pholcodine.

22. Thebacon.

23. Acetyl fentanyl.

(iii) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. 3,4-methylenedioxy amphetamine.

2. 5-methoxy-3,4-methylenedioxy amphetamine.

3. 3,4,5-trimethoxy amphetamine.

4. Bufotenine.

5. Diethyltryptamine.

6. Dimethyltryptamine.

7. 4-methyl-2,5-dimethoxyamphetamine.

8. Ibogaine.

9. Lysergic acid diethylamide.

10. Mescaline.

11. Peyote.

12. N-ethyl-3-piperidyl benzilate.

13. N-methyl-3-piperidyl benzilate.

14. Psilocybin.

15. Psilocyn.

16. Tetrahydrocannabinols.

17. Salvia Divinorum.

18. Salvinorin A.

19. Divinorin A.

20. 3,4-Methylenedioxymethcathinone (Methylone).

21. [3,4-Methyenedioxypyrovalerone (MDPV)] 3,4-Methylenedioxypyrovalerone (MDPV).

22. 4-Methylmethcathinone (Mephedrone).

23. 4-Methoxymethcathinone.

24. 4-Fluoromethcathinone.

25. 3-Fluoromethcathinone.

26. 3,4-Methylenedioxymethamphetamine.

27. Methoxetamine.

(iii.1) [Any] Substituted cathinones - any compound, except bupropion or compounds listed under a different schedule, or compounds used within legitimate and approved medical research, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with monocyclic or fused polycyclic ring systems, whether or not the compound is further modified in any of the following ways:

1. By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl or halide substituents whether or not further substituted in the ring system by one or more other univalent substituents.

2. By substitution at the 3-position with an acyclic alkyl substituent.

3. By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl or methoxybenzyl groups.

4. By inclusion of the 2-amino nitrogen atom in a cyclic structure.

* * *

(vii) Synthetic cannabinoids, including any material, compound, mixture or preparation that is not listed as a

controlled substance in Schedules I, II, III, IV and V, is not a Federal Food and Drug Administration-approved drug or not used within legitimate and approved medical research and which contains any quantity of the following substances, their salts, isomers, whether optical, positional or geometric, analogues, homologues and salts of isomers, analogues and homologues, unless specifically exempted, whenever the existence of these salts, isomers, analogues, homologues and salts of isomers, analogues and homologues if possible within the specific chemical designation:

1. Tetrahydrocannabinols meaning tetrahydrocannabinols which are naturally contained in a plant of the genus Cannabis as well as synthetic equivalents of the substances contained in the plant or in the resinous extractives of Cannabis or synthetic substances, derivatives and their isomers with analogous chemical structure and or pharmacological activity such as the following:

(A) Delta-1 cis or trans tetrahydrocannabinol and their optical isomers.

(B) Delta-6 cis or trans tetrahydrocannabinol and their optical isomers.

(C) Delta-3,4 cis or their trans tetrahydrocannabinol and their optical isomers.

2. [Naphthoylindoles or any compound containing a 3-(-1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include the following:

(A) JWH 015.

(B) JWH 018.

(C) JWH 019.

(D) JWH 073.

(E) JWH 081.

(F) JWH 122.

(G) JWH 200.

(H) JWH 210.

(I) JWH 398.

(J) AM 2201.

(K) WIN 55,212.]

Indole carboxaldehydes - Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-indole-2-carboxaldehyde:

(A) substituted in both of the following ways:

(I) At the nitrogen atom of the indole ring.

(II) At the carbon of the carboxaldehyde by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group; and

(B) whether or not the compound is further modified to any extent in any of the following ways:

(I) Substitution to the indole ring to any extent.

(II) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group to any extent.

(III) A nitrogen heterocyclic analog of the indole ring.

(IV) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl or cyclopropyl ring.

This shall include AM 1248, AM 2201, AM 679, AM 694, FUB-144, JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122, JWH 200, JWH 203, JWH 210, JWH 250, JWH 251, JWH 302, JWH 398, MAM-2201, RCS-4, RCS-8, THJ-018, THJ-2201, UR-144, WIN 55-212, WIN 48-098 and XLR-11.

2.1. Indole carboxamides - Any compound structurally derived from 1H-indole-3-carboxamide or 1H-indole-2-carboxamide:

(A) substituted in both of the following ways:

(I) At the nitrogen atom of the indole ring.

(II) At the nitrogen of the carboxamide by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group; and

(B) whether or not the compound is further modified to any extent in any of the following ways:

(I) Substitution to the indole ring to any extent.

(II) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group to any extent.

(III) A nitrogen heterocyclic analog of the indole ring.

(IV) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl or cyclopropyl ring.

This shall include AB-CHMINACA, AB-FUBINACA, AB-PINACA, ADBICA, ADB-PINACA, AKB-48, AMB, NNEI, STS-135 and THJ.

2.2. Indole carboxylic acids - Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-indole-2-carboxylic acid:

(A) substituted in both of the following ways:

(I) At the nitrogen atom of the indole.

(II) At the hydroxyl group of the carboxylic acid by a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group; and

(B) whether or not the compound is further modified to any extent in any of the following ways:

(I) Substitution to the indole ring to any extent.

(II) Substitution to the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl or propionaldehyde group to any extent.

(III) A nitrogen heterocyclic analog of the indole ring.

(IV) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl or cyclopropyl ring.

This shall include BB-22, 3-CAF, FDU-PB-22, FUB-PB-22, NM2201 and PB-22.

3. Naphthylmethylindoles or any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with a substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include JWH 175 and JWH 184.

4. Naphthoylpyrroles or any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include JWH 147 and JWH 307.

5. Naphthylmethylindenes or any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. This shall include JWH 176.

[6. Phenylacetylindoles or any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) RCS-8, SR-18 or BTM-8.

(B) JWH 250.

(C) JWH 203.

(D) JWH 251.

(E) JWH 302.]

7. Cyclohexylphenols or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with a substitution at the 5-position of the phenolic ring whether or not substituted in the cyclohexyl ring to any extent. This shall include the following:

(A) CP 47,497 and its homologues and analogues.

(B) Cannabicyclohexanol.

(C) CP 55,940.

[8. Benzoylindoles or any compound containing a 3-(benzoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. This shall include the following:

(A) AM 694.

(B) Pravadoline WIN 48,098.

(C) RCS 4.

(D) AM 679.]

9. [2,3-Dihydro-5 methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenymethanone. This shall include WIN 55,212-2.

10. Dibenzopyrans or any compound containing a 11-hydroxy-delta 8-tetrahydrocannabinol structure with substitution on the 3-pentyl group. This shall include HU-210, HU-211, JWH 051 and JWH 133.

[11. Adamantoylindoles or any compound containing a 3-(-1-adamantoyl) indole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the adamantoyl ring system to any extent. This shall include AM 1248.

12. Tetramethylcyclopropylindoles or any compound containing a 3-tetramethylcyclopropylindole structure with substitution at the nitrogen atom of the indole ring whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. This shall include UR-144 and XLR-11.

13. N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide. This shall include AKB48.]

14. Any other synthetic chemical compound that is a cannabinoid receptor type 1 agonist as demonstrated by binding studies and functional assays that is not listed in Schedules II, III, IV and V, not a Federal Food and Drug Administration-approved drug or not used within legitimate, approved medical research.

(viii) Psychedelic phenethylamines, their analogues, congeners, homologues, isomers, salts and the salts of analogues, congeners, homologues and isomers as follows:

1. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

2. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

3. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

4. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).

5. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).

6. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

7. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

8. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).

9. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

10. 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25C-NBOMe).

11. 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)

ethanamine (25I-NBOMe).

12. 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl) ethanamine (25B-NBOMe).

(2) Schedule II--In determining that a substance comes within this schedule, the secretary shall find: a high potential for abuse, currently accepted medical use in the United States, or currently accepted medical use with severe restrictions, and abuse may lead to severe psychic or physical dependence. The following controlled substances are included in this schedule:

(i) Any of the following substances, of any quantity, except those narcotics specifically excepted or listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including hydrocodone, morphine and oxycodone.

2. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subclause 1, except that these substances shall not include the isoquinoline alkaloids of opium.

3. Opium poppy and poppy straw.

4. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

* * *

(iii) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances:

1. Amphetamine, its salts, optical isomers, and salts of its optical isomers.

2. Phenmetrazine and its salts.

3. Methylphenidate.

4. Methamphetamine including its salts, isomers and salts of isomers.

5. Lisdexamfetamine.

* * *

(3) Schedule III--In determining that a substance comes within this schedule, the secretary shall find: a potential for abuse less than the substances listed in Schedules I and II; well documented and currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. The following classes of controlled substances are included in this schedule:

(i) Any material, compound, mixture, or preparation unless specifically excepted or unless listed in another schedule which contains any quantity of the following substances:

1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid.

2. Chorhexadol.

3. Glutethimide.

4. Lysergic acid.

5. Lysergic acid amide.

6. Methyprylon.

8. Sulfondiethylmethane.

9. Sulfonethylmethane.

10. Sulfonmethane.

11. Buprenorphine.

* * *

(iii) Any material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any salts thereof, unless specifically excepted or listed in other schedules:

1. 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.

2. 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.

[3. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

4. Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.]

5. 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.

6. 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.

7. 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.

8. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams and not more than 2.5 milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

* * *

(vii) Anabolic steroid includes any material, compound, mixture or preparation that includes any of the following or any isomer, ester, salt or derivative of any of the following that acts in the same manner on the human body:

1. Chorionic gonadotropin.

2. Clostebol.

3. Dehydrochlormethyltestosterone.

4. Ethylestrenol.

5. Fluoxymesterone.

6. Mesterolone.

7. Metenolone.

8. Methandienone.

9. Methandrostenolone.

10. Methyltestosterone.

11. Nandrolone [decanoate].

[12. Nandrolone phenpropionate.]

13. Norethandrolone.

14. Oxandrolone.

15. Oxymesterone.

16. Oxymetholone.

17. Stanozolol.

18. Testosterone [propionate].

19. Testosterone-like related compounds.

Human Growth Hormone (HGH) shall not be included as an anabolic steroid under the provisions of this act. An anabolic steroid which is a combination of estrogen and anabolic steroid and which is expressly intended for administration to hormone-deficient women shall be exempt from the provisions of this act. A person who prescribes, dispenses or distributes an anabolic steroid which is a combination of estrogen and anabolic steroids and which is intended for administration to hormone-deficient women for use by persons who are not hormone-deficient women shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this subclause.

* * *

(ix) Ketamine [hydrochloride], any salt, ketamine [hydrochloride] compound, derivative or preparation of ketamine [hydrochloride], including any isomers, esters and ethers and salts of isomers, esters and ethers of ketamine [hydrochloride].

(4) Schedule IV--In determining that a substance comes within this schedule, the secretary shall find: a low potential for abuse relative to substances in Schedule III; currently accepted medical use in the United States; and limited physical and/or psychological dependence liability relative to the substances listed in Schedule III. The following controlled substances are included in this schedule:

(i) Any material, compound, mixture, or preparation, unless specifically excepted or unless listed in another schedule, which contains any quantity of the following substances:

1. Barbital.
2. Chloral betaine.
3. Chloral hydrate.
4. Ethchlorvynol.
5. Ethinamate.
6. Methohexital.
7. Meprobamate.
8. Methylphenobarbital.
9. Paraldehyde.
10. Petrichloral.
11. Phenobarbital.
12. Zopiclone.
13. Carisoprodol.
14. Tramadol.

* * *

(5) Schedule V--In determining that a substance comes within this schedule, the secretary shall find: a low potential for abuse relative to the substances listed in Schedule IV; currently accepted medical use in the United States; and limited physical dependence and/or psychological dependence liability relative to the substances listed in Schedule IV. The following controlled substances are included in this schedule:

(i) Any compound, mixture, or preparation containing limited quantities of any of the following narcotics or any of their salts, which shall 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 the narcotic alone:

1. Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliter or per 100 grams and not more than 10

milligrams per dosage unit.

2. Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

3. Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

4. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

5. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit.

6. Pregabalin.

[(ii) Buprenorphine.]

Section 3. Section 13.1 of the act, amended June 24, 2013 (P.L.147, No.26), is amended to read:

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

(1) Possessing or transporting liquefied ammonia gas:

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

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

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

(3) Possessing [red phosphorous, hypophosphoric acid, ammonium sulfate, phosphorous, iodine, hydriodic acid, ephedrine, pseudoephedrine, lithium, sodium, potassium, sassafras oil, safrole oil or other oil containing safrole or equivalent, whether in powder or liquid form,] phenylpropanolamine, phenyl acetone, methylamine, ammonium

sulfate, ammonium nitrate [or], phenyl acetic acid or a precursor substance with intent to unlawfully manufacture a controlled substance.

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

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

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

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

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

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

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

Section 4. Section 35 of the act is amended to read:

Section 35. Promulgation of Regulations.--(a) The secretary shall have the authority to promulgate in accordance with the provisions of this section and of the act of July 31, 1968 (P.L.769, No. 240), known as the "Commonwealth Documents Law"

any regulations hereinbefore referred to in this act and such other regulations with the consent of the board regarding the possession, distribution, sale, purchase or manufacture of controlled substances, other drugs or devices or cosmetics as may be necessary to aid in the enforcement of this act.

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

(1) The secretary may promulgate the regulation:

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

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

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

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

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

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

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

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

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

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

Section 5. This act shall take effect in 60 days.