SENATE BILL NO. 32

INTRODUCED BY M. NOLAND

BY REQUEST OF THE ECONOMIC AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: “AN ACT DESIGNATING MITRAGYNINE AND HYDROXYMITRAGYNINE AS CONTROLLED SUBSTANCES IN MONTANA; AND AMENDING SECTION 50-32-222, MCA.”

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) alpha-methylthiofentanyl, also known as N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-

phenylpropanamide;

(i) benzethidine;

(j) betacetylmethadol;

(k) beta-hydroxyfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide;

(l) beta-hydroxy-3-methylfentanyl, also known as N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide;

(m) betameprodine;

(n) betamethadol;

(o) betaprodine;

(p) brorphine;

(q) clonitazene;

(r) dextromoramide;

(s) diampromide;

(t) diethylthiambutene;

(u) difenoxin;

(v) dimenoxadol;

(w) dimepheptanol;

(x) dimethylthiambutene;

(y) dioxaphetyl butyrate;

(z) dipipanone;

(aa) ethylmethylthiambutene;

(bb) etonitazene;

(cc) etoxeridine;

(dd) fluorofentanyl;

(ee) furethidine;

(ff) hydroxymitragynine;

~~(ff)~~ (gg) hydroxypethidine;

~~(gg)~~ (hh) isotonitazene;

~~(hh)~~ (ii) ketobemidone;

~~(ii)~~ (jj) levomoramide;

~~(jj)~~ (kk) levophenacylmorphan;

~~(kk)~~ (ll) 3-methylfentanyl, also known as N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide;

~~(ll)~~ (mm) 3-methylthiofentanyl, also known as N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (optical and geometric isomers only);

(nn) mitragynine;

~~(mm)~~ (oo) morpheridine;

~~(nn)~~ (pp) MPPP, also known as desmethylprodine and (1-methyl-4-phenyl-4-propionoxypiperidine);

~~(oo)~~ (qq) noracymethadol;

~~(pp)~~ (rr) norlevorphanol;

~~(qq)~~ (ss) normethadone;

~~(rr)~~ (tt) norpipanone;

~~(ss)~~ (uu) PEPAP, also known as (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

~~(tt)~~ (vv) phenadoxone;

~~(uu)~~ (ww) phenampromide;

~~(vv)~~ (xx) phenomorphan;

~~(ww)~~ (yy) phenoperidine;

~~(xx)~~ (zz) piritramide;

~~(yy)~~ (aaa) proheptazine;

~~(zz)~~ (bbb) properidine;

~~(aaa)~~ (ccc) propiram;

~~(bbb)~~ (ddd) racemoramide;

~~(ccc)~~ (eee) thiofentanyl, also known as N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide;

~~(ddd)~~ (fff) tilidine; and

~~(eee)~~ (ggg) trimeperidine.

(2) Substituted fentanyls (1-phenethyl-4-N-propionylanilinopiperidine) are, unless specifically excepted, listed in another schedule, approved by the United States food and drug administration, or not used within legitimate and approved medical research, any material, compound, mixture, or preparation, including its salts, isomers, esters, ethers, and salts of isomers, esters, or ethers whenever the existence of those salts is possible, within any of the following chemical designations that are structurally related to fentanyl by one or more of the following modifications:

(a) replacement of the phenyl portion of the phenethyl group by any monocyclic ring, whether or not further substituted in or on the monocyclic ring;

(b) substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(c) substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups;

(d) replacement of the aniline ring with any aromatic monocyclic ring, whether or not further substituted in or on the aromatic monocyclic ring; or

(e) replacement of the N-propionyl group by another acyl group.

(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 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-6,6,9-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, also known as psilocin;

(ff) tetrahydrocannabinols, neutral compounds, and their corresponding acids, 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 9 (delta 1) cis or trans tetrahydrocannabinol and its optical isomers;

(ii) delta 8 (delta 6) cis or trans tetrahydrocannabinol and its optical isomers; and

(iii) delta 6a, 10a (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) naphthylmethylindenes, 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 cannabinol and 3-alkyl homologues of cannabinol 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-napthalenylmethanone (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;

(ll) 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, 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-propanone by modification in any of the following ways:

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, 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) substituted amphetamines, including any compound, except compounds listed in another schedule, in an administrative rule regulating controlled substances, or approved for use by the United States food and drug administration, that is structurally derived from 1-phenyl-2-aminopropane by modification in any

of the following ways:

(i) by substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, 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;

(c) methaqualone; and

(d) substituted benzodiazepines, unless specifically excepted, listed in another schedule, in an administrative rule regulating controlled substances, approved for use by the United States food and drug administration, or not used within legitimate and approved medical research, any material, compound, mixture, or preparation, including its salts, isomers, and salts of isomers whenever the existence of such salts is

possible, within any of the following chemical designations that are structurally related to:

(i) a 1,4-benzodiazepine structure with any substitution at the 5-position, whether or not the 1,4-benzodiazepine is further substituted;

(ii) a 1,4-benzodiazepine structure fused with a triazole ring to form a triazolobenzodiazepine structure with any substitution at the 6-position, whether or not the triazolobenzodiazepine is further substituted;

(iii) a 1,4-diazepine ring fused with a thiophene ring and triazole ring to form a thienotriazolodiazepine structure with any substitution at the 4-position, whether or not the thienotriazolodiazepine is further substituted;

(iv) a 1,4-diazepin-one ring fused with a thiophene ring to form a thienodiazepine structure with any substitution at the 5-position, whether or not the thienodiazepine is further substituted;

(v) a 1,5-benzodiazepine structure with any substitutions at the 4-position, whether or not the 1,5-benzodiazepine is further substituted; or

(vi) a 1,5-benzodiazepine structure with any substitutions at the 5-nitrogen position, whether or not the 1,5-benzodiazpine is further substituted.

(7) Any compound that meets the criteria in subsection (6)(d) but is designated as a Schedule II, Schedule III, Schedule IV, or Schedule V controlled substance under federal law will be placed in the same Schedule as under federal law.

(8) 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) fenethylline;

(d) methcathinone, also known as 2-(methylamino)-propiophenone, alpha-(methylamino)propiophenone, 2-(methylamino)-1-phenylpropan-1-one, alpha-N-methylaminopropiophenone, 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.

(9) 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.

(10) 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 the same schedule it is placed in by the United States drug enforcement administration.

(11) 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."

- END -