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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

Introduced By: Senators Lombardi, McCaffrey, and Jabour

Date Introduced: March 04, 2014

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 21-28-2.08 of the General Laws in Chapter 21-28 entitled "Uniform
2 Controlled Substances Act" is hereby amended to read as follows:

3 **21-28-2.08. Contents of schedules. --** Schedule I

4 (a) Schedule I shall consist of the drugs and other substances, by whatever official name,
5 common or usual name, chemical name, or brand name designated, listed in this section.

6 (b) Opiates. - Unless specifically excepted or unless listed in another schedule, any of
7 the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and
8 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the
9 specific chemical designation:

- 10 (1) Acetylmethadol
11 (2) Allylprodine
12 (3) Alphacetylmethadol
13 (4) Alphameprodine
14 (5) Alphamethadol
15 (6) Benzethidine
16 (7) Betacetylmethadol
17 (8) Betameprodine
18 (9) Betamethadol
19 (10) Betaprodine

- 1 (11) Clonitazene
- 2 (12) Dextromoramide
- 3 (13) Difenoxin
- 4 (14) Diampromide
- 5 (15) Diethylthiambutene
- 6 (16) Dimenoxadol
- 7 (17) Dimepheptanol
- 8 (18) Dimethylthiambutene
- 9 (19) Dioxaphetyl butyrate
- 10 (20) Dipipanone
- 11 (21) Ethylmethylthiambutene
- 12 (22) Etonitazene
- 13 (23) Extoxerdine
- 14 (24) Furethidine
- 15 (25) Hydroxypethidine
- 16 (26) Ketobemidone
- 17 (27) Levomoramide
- 18 (28) Levophenacymorphan
- 19 (29) Morpheridine
- 20 (30) Noracymethadol
- 21 (31) Norlevorphanol
- 22 (32) Normethadone
- 23 (33) Norpipanone
- 24 (34) Phenadoxone
- 25 (35) Phenampromide
- 26 (36) Phenomorphan
- 27 (37) Phenoperidine
- 28 (38) Piritramide
- 29 (39) Proheptazine
- 30 (40) Properidine
- 31 (41) Propiram
- 32 (42) Racemoramide
- 33 (43) Trimeperidone
- 34 (44) Tilidine

1 (45) Alpha-methylfentanyl

2 (46) Beta-hydroxy-3-methylfentanyl other names:

3 N-[1-(2hydroxy-2-phenethyl)-3-methyl-4piperidingyl] Nphenylpropanamide

4 (c) Opium Derivatives. - Unless specifically excepted or unless listed in another
5 schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever
6 the existence of the salts, isomers, and salts of isomers is possible within the specific chemical
7 designation:

8 (1) Acetorphine

9 (2) Acetyldihydrocodeine

10 (3) Benzylmorphine

11 (4) Codeine methylbromide

12 (5) Codeine-N-Oxide

13 (6) Cyprenorphine

14 (7) Desomorphine

15 (8) Dihydromorphine

16 (9) Etorphine (Except hydrochloride salt)

17 (10) Heroin

18 (11) Hydromorphanol

19 (12) Methyldesorphine

20 (13) Methylhydromorphine

21 (14) Morphine methylbromide

22 (15) Morphine methylsulfonate

23 (16) Morphine-N-Oxide

24 (17) Myrophine

25 (18) Nococodeine

26 (19) Nicomorphine

27 (20) Normorphine

28 (21) Pholcodine

29 (22) Thebacon

30 (23) Drotebanol

31 (d) Hallucinogenic Substances. - Unless specifically excepted or unless listed in another
32 schedule, any material, compound, mixture, or preparation, ~~which~~ that contains any quantity of
33 the following hallucinogenic substances, or ~~which~~ that contains any of its salts, isomers, and salts
34 of isomers whenever the existence of the salts, isomers, and salts of isomers is possible within the

1 specific chemical designation (for purposes of this subsection only, the term "isomer" includes
2 the optical, position, and geometric isomers):

- 3 (1) 3, 4-methylenedioxy amphetamine
- 4 (2) 5-methoxy-3, 4-methylenedioxy amphetamine
- 5 (3) 3, 4, 5-trimethoxy amphetamine
- 6 (4) Bufotenine
- 7 (5) Diethyltryptamine
- 8 (6) Dimethyltryptamine
- 9 (7) 4-methyl 2, 5-dimethoxyamphetamine
- 10 (8) Ibogaine
- 11 (9) Lysergic acid diethylamide
- 12 (10) Marihuana
- 13 (11) Mescaline
- 14 (12) Peyote. Meaning all parts of the plant presently classified botanically as
15 *Lophophora Williamsii* Lemair whether growing or not; the seeds of the plant; any extract from
16 any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of
17 the plant, its seeds or extracts.
- 18 (13) N-ethyl-3-piperidyl benzilate
- 19 (14) N-methyl-3-piperidyl benzilate
- 20 (15) Psilocybin
- 21 (16) Psilocyn
- 22 (17) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the
23 plant, or in the resinous extractives of *Cannabis*, sp. and/or synthetic substances, derivatives, and
24 their isomers with similar chemical structure and pharmacological activity such as the following:
25 delta 1 cis or trans tetrahydrocannabinol, and their optical isomers. Delta 6 cis or trans
26 tetrahydrocannabinol and their optical isomers. Delta 3, 4 cis or trans tetrahydrocannabinol and
27 ~~its~~ [their](#) optical isomer. (Since nomenclature of these substances is not internationally
28 standardized, compounds of these structures, regardless of numerical designation of atomic
29 positions covered).
- 30 (18) Thiophene analog of phencyclidine. 1-(1-(2 thienyl) cyclo-hexyl) piperidine: 2-
31 Thienyl analog of phencyclidine: TPCP
- 32 (19) 2,5 dimethoxyamphetamine
- 33 (20) 4-bromo-2,5-dimethoxyamphetamine, 4-bromo-2,5-dimethoxy-alpha-
34 methylphenethylamine: 4-bromo-2,5-DMA

1 (21) 4-methoxyamphetamine-4-methoxy-alpha-methylphenethylamine:

2 paramethoxyamphetamine: PMA

3 (22) Ethylamine analog of phencyclidine. N-ethyl-1- phenylcyclohexylamine, (1-
4 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE

5 (23) Pyrrolidine analog of phencyclidine. 1-(1-phenylcyclohexyl)- pyrrolidine PCPy, PHP

6 (24) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-
7 6,6,9-trimethyl-6H-dibenz o (b,d) pyran: Synhexyl.

8 [\(25\) Salvia Divinorum \(Salvinorin A or Divinorin A\), meaning any extract from any part](#)
9 [of the plant, and any compound, salt derivative, or mixture of the plant or its extracts. This shall](#)
10 [not mean the unaltered plant.](#)

11 [\(26\) Datura stamonium \(jimson weed or datura\), meaning any extract from any part of](#)
12 [the plant, and any compound, salt derivative, or mixture of the plant or its extracts. This shall not](#)
13 [mean the unaltered plant.](#)

14 (e) Depressants. - Unless specifically excepted or unless listed in another schedule, any
15 material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following
16 substances having a depressant effect on the central nervous system, including its salts, isomers,
17 and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible
18 within the specific chemical designation:

19 (1) Mecloqualone.

20 (2) Methaqualone.

21 (3) 3-methyl fentanyl (n-(ethyl-1(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide.

22 (4) 3,4-methyl-enedioxymethamphetamine (MDMA), its optical, positional, and
23 geometric isomers, salts, and salts of isomers.

24 (5) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts, and
25 salts of isomers.

26 (6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts,
27 and salts of isomers.

28 (7) N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenyl-acetamide (acetyl-alpha-
29 methylfentanyl), its optical isomers, salts, and salts of isomers.

30 (8) N-(1-(1-methyl-2(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (alpha-
31 methylthiofentanyl), its optical isomers, salts, and salts of isomers.

32 (9) N-(1-benzyl-piperidyl)-N-phenylpropanamide (benzyl-fentanyl), its optical isomers,
33 salts, and salts of isomers.

34 (10) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenyl-propanamide (beta-

1 hydroxyfentanyl), its optical isomers, salts, and salts of isomers.

2 (11) N-(3-methyl-1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-
3 hydroxy-3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers.

4 (12) N-(3-methyl)-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (3-
5 methylthiofentanyl), its optical and geometric isomers, salts, and salts of isomers.

6 (13) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl), its
7 optical isomers, salts, and salts of isomers.

8 (14) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical
9 isomers, salts, and salts of isomers.

10 (15) N-[1-(2-phenylethyl)-4-piperidyl]N-(4-fluorophenyl)-propanamide (para-
11 fluorofentanyl), its optical isomers, salts, and salts of isomers.

12 (16) Gamma hydroxybutyrate, HOOC-CH₂-CH₂-CH₂OH, its optical, position, or
13 geometric isomers, salts, and salts of isomers.

14 (f) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
15 material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following
16 substances having a stimulant effect on the central nervous system, including its salts, isomers,
17 and salts of isomers:

18 (1) Fenethylamine

19 (2) N-ethylamphetamine

20 (3) 4-methyl-N-methylcathinone (Other name: mephedrone)

21 (4) 3,4-methylenedioxy-N-methylcathinone (Other name: methylone)

22 (5) 3,4-methylenedioxypyrovalerone (Other name: MDPV)

23 (g) Any material, compound, mixture, or preparation ~~which~~ that contains any quantity of
24 the following substances:

25 (1) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol (CP-47,497)

26 (2) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol
27 (cannabicyclohexanol and CP-47,497 c8 homologue)

28 (3) 1-Butyl-3-(1-naphthoyl)indole, (JWH-073)

29 (4) 1-[2-(4-Morpholinyl)ethyl]3-(1-naphthoyl)indole (JWH-200)

30 (5) 1-Pentyl-3-(1-naphthoyl)indole, (JWH-018 and AM678)

31 Schedule II

32 (a) Schedule II shall consist of the drugs and other substances, by whatever official
33 name, common or usual name, chemical name, or brand name designated, listed in this section.

34 (b) Substances, vegetable origin, or chemical synthesis. - Unless specifically excepted or

1 unless listed in another schedule, any of the following substances whether produced directly or
2 indirectly by extraction from substances of vegetable origin, or independently by means of
3 chemical synthesis, or by a combination of extraction and chemical synthesis:

4 (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or
5 opiate excluding naloxone and its salts, and excluding naltrexone and its salts, but including the
6 following:

- 7 (i) Raw opium
- 8 (ii) Opium extracts
- 9 (iii) Opium fluid extracts
- 10 (iv) Powdered opium
- 11 (v) Granulated opium
- 12 (vi) Tincture of opium
- 13 (vii) Etorphine hydrochloride
- 14 (viii) Codeine
- 15 (ix) Ethylmorphine
- 16 (x) Hydrocodone
- 17 (xi) Hydromorphone
- 18 (xii) Metopon
- 19 (xiii) Morphine
- 20 (xiv) Oxycodone
- 21 (xv) Oxymorphone
- 22 (xvi) Thebaine

23 (2) Any salt, compound, derivative, or preparation ~~which~~ that is chemically equivalent or
24 identical with any of the substances referred to in subdivision (1) of this subsection, except that
25 these substances shall not include the isoquinoline alkaloids of opium.

26 (3) Opium poppy and poppy straw.

27 (4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
28 any salt, compound, derivative, or preparation ~~which~~ that is chemically equivalent or identical
29 with any of these substances, except that the substances shall not include decocainized coca
30 leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.

31 (5) Concentrate of poppy straw (the crude extract of poppy straw in liquid, solid, or
32 powder form ~~which~~ that contains the phenanthrine alkaloids of the opium poppy).

33 (c) Opiates. - Unless specifically excepted or unless listed in another schedule, any of the
34 following opiates, including its isomers, esters, ethers, salts; and salts of isomers, esters, and,

1 ethers whenever the existence of the isomers, esters, ethers, and salts is possible within the
2 specific chemical designation:

- 3 (1) Alphaprodine
- 4 (2) Anileridine
- 5 (3) Bezitramide
- 6 (4) Dihydrocodeine
- 7 (5) Diphenoxylate
- 8 (6) Fentanyl
- 9 (7) Isomethadone
- 10 (8) Levomethorphan
- 11 (9) Levorphanol
- 12 (10) Metazocine
- 13 (11) Methadone
- 14 (12) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane
- 15 (13) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
16 acid
- 17 (14) Pethidine
- 18 (15) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine
- 19 (16) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate
- 20 (17) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid
- 21 (18) Phenaxocine
- 22 (19) Piminodine
- 23 (20) Racemethorphan
- 24 (21) Racemorphan
- 25 (22) Bulk Dextropropoxyphene (non-dosage forms)
- 26 (23) Suffentanil
- 27 (24) Alfentanil
- 28 (25) Levoalphacetylmethadol
- 29 (d) Stimulants. - Unless specifically excepted or unless listed in another schedule, any
30 material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following
31 substances having a stimulant effect on the central nervous system:
 - 32 (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
 - 33 (2) Methamphetamine, its salts, and salts of its isomers.
 - 34 (3) Phenmetrazine and its salts.

1 (4) Methylphenidate.

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

7 (1) Amobarbital

8 (2) Glutethimide

9 (3) Methyprylon

10 (4) Pentobarbital

11 (5) Phencyclidine

12 (6) Secobarbital

13 (7) Phencyclidine immediate precursors:

14 (i) 1-phencyclohexylamine

15 (ii) 1-piperidinocyclohexane-carbonitrile (PCC)

16 (8) Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some
17 other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzene ketone.

18 Schedule III

19 (a) Unless specifically excepted or unless listed in another schedule, any material,
20 compound, mixture, or preparation ~~which~~ that contains any quantity of the following substances
21 having a depressant effect on the central nervous system:

22 (1) Any substance ~~which~~ that contains any quantity of a derivative of barbituric acid, or
23 any salt of a derivative of barbituric acid.

24 (2) Chlorhexadol

25 (3) Lysergic acid

26 (4) Lysergic acid amide

27 (5) Sulfondiethylmethane

28 (6) Sulfonethylmethane

29 (7) Sylfonmethane

30 (8) Any compound, mixture, or preparation containing amobarbital, secobarbital,
31 pentobarbital, or any salt of them and one or more other active medicinal ingredients ~~which~~ that
32 are not listed in any schedule.

33 (9) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or
34 any salt of any of these drugs and approved by the Food and Drug Administration for marketing

1 only as a suppository.

2 (10) Ketamine, its salts, isomers, and salts of isomers. (Some other names for ketamine:
3 (+)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone).

4 (b) Unless specifically excepted or unless listed in another schedule, any material,
5 compound, mixture, or preparation containing limited quantities of any of the following narcotic
6 drugs, or any salts of them:

7 (1) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
8 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with an equal
9 or greater quantity of an isoquinoline alkaloid of opium.

10 (2) Not more than one and eight tenths grams (1.8 gms.) of codeine per one hundred
11 milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with one or
12 more active, nonnarcotic ingredients in recognized therapeutic amounts.

13 (3) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
14 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
15 a fourfold or greater quantity of an isoquinoline alkaloid of opium.

16 (4) Not more than three hundred milligrams (300 mgs.) of dihydrocodeinone per one
17 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
18 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

19 (5) Not more than one and eight tenths grams (1.8 gms.) of dihydrocodeine per one
20 hundred milliliters (100 mls.) or not more than ninety milligrams (90 mgs.) per dosage unit, with
21 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

22 (6) Not more than three hundred milligrams (300 mgs.) of ethylmorphine per one
23 hundred milliliters (100 mls.) or not more than fifteen milligrams (15 mgs.) per dosage unit, with
24 one or more active nonnarcotic ingredients in recognized therapeutic amounts.

25 (7) Not more than five hundred milligrams (500 mgs.) of opium per one hundred
26 milliliters (100 mls.) or per one hundred grams (100 gms.) or not more than twenty-five
27 milligrams (25 mgs.) per dosage unit, with one or more active nonnarcotic ingredients in
28 recognized therapeutic amounts.

29 (8) Not more than fifty milligrams (50 mgs.) of morphine per one hundred milliliters
30 (100 mls.) per one hundred grams (100 gms.) with one or more active, nonnarcotic ingredients in
31 recognized therapeutic amounts.

32 (c) Stimulants. - Unless specifically excepted or listed in another schedule, any material,
33 compound, mixture, or preparation ~~which~~ that contains any quantity of the following substances
34 having a stimulant effect on the central nervous system, including its salts, isomers, and salts of

1 the isomers whenever the existence of the salts of isomers is possible within the specific chemical
2 designation:

- 3 (1) Benzphetamine
- 4 (2) Chlorphentermine
- 5 (3) Clortermine
- 6 (4) Mazindol
- 7 (5) Phendimetrazine

8 (d) Steroids and hormones. - Anabolic steroids (AS) or human growth hormone (HGH),
9 excluding those compounds, mixtures, or preparations containing an anabolic steroid that because
10 of its concentration, preparation, mixture, or delivery system, has no significant potential for
11 abuse, as published in 21 CFR 1308.34, including, but not limited to, the following:

- 12 (1) Chorionic gonadotropin
- 13 (2) Clostebol
- 14 (3) Dehydrochlormethyltestosterone
- 15 (4) Ethylestrenol
- 16 (5) Fluoxymesterone
- 17 (6) Mesterolone
- 18 (7) Metenolone
- 19 (8) Methandienone
- 20 (9) Methandrostenolone
- 21 (10) Methyltestosterone
- 22 (11) Nandrolone decanoate
- 23 (12) Nandrolone phenpropionate
- 24 (13) Norethandrolone
- 25 (14) Oxandrolone
- 26 (15) Oxymesterone
- 27 (16) Oxymetholone
- 28 (17) Stanozolol
- 29 (18) Testosterone propionate
- 30 (19) Testosterone-like related compounds
- 31 (20) Human Growth Hormone (HGH)

32 (e) Hallucinogenic substances.

33 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in
34 U.S. Food and Drug Administration-approved drug product. (Some other names for dronabinol:

1 (6aR-trans)-6a, 7, 8, 10a- tetrahydro-6, 6, 9- trimethyl-3-pentyl-6H- dibenzo[b,d]pyra n-1-ol,or(-)-
2 delta-9(trans)-tetrahydrocannabinol.)
3 Schedule IV
4 (1) Barbital.
5 (2) Chloral betaine
6 (3) Chloral hydrate
7 (4) Ethchrovynol
8 (5) Ethinamate
9 (6) Methohexital
10 (7) Meprobamate
11 (8) Methylphenobarbital
12 (9) Paraldehyde
13 (10) Petrichloral
14 (11) Phenobarbital
15 (12) Fenfluramine
16 (13) Diethylpropion
17 (14) Phentermine
18 (15) Pemoline (including organometallic complexes and chelates thereof).
19 (16) Chlordiazepoxide
20 (17) Clonazepam
21 (18) Clorazepate
22 (19) Diazepam
23 (20) Flurazepam
24 (21) Mebutamate
25 (22) Oxazepam
26 (23) Unless specifically excepted or unless listed in another schedule, any material,
27 compound, mixture, or preparation ~~which~~ that contains any quantity of the following substances,
28 including its salts:
29 Dextropropoxyphene(alpha-(+)-4-dimethylamino-1,2-diphenyl-3- methyl-2-
30 propronoxybutane).
31 (24) Prazepam
32 (25) Lorazepam
33 (26) Not more than one milligram (1 mg.) of difenoxin and not less than twenty-five (25)
34 micrograms of atropine sulfate per dosage unit.

- 1 (27) Pentazocine
- 2 (28) Pipradrol
- 3 (29) SPA (-)-1-dimethylamino-1, 2-diphenylethane
- 4 (30) Temazepam
- 5 (31) Halazepam
- 6 (32) Alprazolam
- 7 (33) Bromazepam
- 8 (34) Camazepam
- 9 (35) Clobazam
- 10 (36) Clotiazepam
- 11 (37) Cloxazolam
- 12 (38) Delorazepam
- 13 (39) Estazolam
- 14 (40) Ethyl Ioflazepate
- 15 (41) Fludizaepam
- 16 (42) Flunitrazepam
- 17 (43) Haloxazolam
- 18 (44) Ketazolam
- 19 (45) Loprazolam
- 20 (46) Lormetazepam
- 21 (47) Medazepam
- 22 (48) Nimetazepam
- 23 (49) Nitrazepam
- 24 (50) Nordiazepam
- 25 (51) Oxazolam
- 26 (52) Pinazepam
- 27 (53) Tetrazepam
- 28 (54) Mazindol
- 29 (55) Triazolam
- 30 (56) Midazolam
- 31 (57) Quazepam
- 32 (58) Butorphanol
- 33 (59) Sibutramine
- 34 Schedule V

1 (a) Any compound, mixture, or preparation containing any of the following limited
2 quantities of narcotic drugs, which shall include one or more non-narcotic active medicinal
3 ingredients in sufficient proportion to confer upon the compound, mixture, or preparation
4 valuable medicinal qualities other than those possessed by the narcotic drug alone:

5 (1) Not more than two hundred milligrams (200 mgs.) of codeine per 100 milliliters (100
6 mls.) or per one hundred grams (100 gms.).

7 (2) Not more than one hundred milligrams (100 mgs.) of dihydrocodeine per 100
8 milliliters (100 mls.) or per one hundred grams (100 gms.).

9 (3) Not more than one hundred milligrams (100 mgs.) of ethylmorphine per 100
10 milliliters (100 mls.) or per one hundred grams (100 gms.).

11 (4) Not more than two and five tenths milligrams (2.5 mgs.) of diphenixylate and not less
12 than twenty-five (25) micrograms of atropine sulfate per dosage unit.

13 (5) Not more than one hundred milligrams (100 mgs.) of opium per one hundred
14 milliliters (100 mls.) or per one hundred grams (100 gms.).

15 (b) Not more than five tenths milligrams (0.5 mgs.) of difenoxin and not less than
16 twenty-five (25) micrograms of atropine sulfate per dosage unit.

17 (c) Buprenorphine

18 (d) Unless specifically exempted or excluded or unless listed in another schedule, any
19 material, compound, mixture, or preparation ~~which~~ that contains any quantity of the following
20 substances having a stimulant effect on the central nervous system, including its salts, isomers,
21 and salts of isomers:

22 (1) Propylhexedrine (except as benzedrex inhaler)

23 (2) Pyrovalerone.

24 SECTION 2. Section 21-28-4.0.1 of the General Laws in Chapter 21-28 entitled
25 "Uniform Controlled Substances Act" is hereby amended to read as follows:

26 **21-28-4.01. Prohibited acts A -- Penalties. [Effective April 1, 2013.]** -- (a) (1) Except
27 as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or
28 possess with intent to manufacture or deliver a controlled substance.

29 (2) Any person who is not a drug-addicted person, as defined in ~~section~~ §21-28-1.02(18),
30 who violates this subsection with respect to a controlled substance classified in schedule I or II,
31 except the substance classified as marijuana, is guilty of a crime and upon conviction may be
32 imprisoned to a term up to life; or fined not more than five hundred thousand dollars (\$500,000)
33 nor less than ten thousand dollars (\$10,000), or both.

34 (3) Where the deliverance as prohibited in this subsection shall be the proximate cause of

1 death to the person to whom the controlled substance is delivered, it shall not be a defense that
2 the person delivering the substance was at the time of delivery, a drug-addicted person as defined
3 in ~~section~~ §21-28-1.02(18).

4 (4) Any person, except as provided for in subdivision (2) of this subsection, who violates
5 this subsection with respect to:

6 (i) A controlled substance, classified in schedule I or II, is guilty of a crime and upon
7 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
8 hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

9 (ii) A controlled substance, classified in schedule III or IV, is guilty of a crime and upon
10 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
11 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
12 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
13 more than twenty thousand dollars (\$20,000), or both.

14 (iii) A controlled substance, classified in schedule V, is guilty of a crime and upon
15 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
16 dollars (\$10,000), or both.

17 (b) (1) Except as authorized by this chapter, it is unlawful for any person to create,
18 deliver, or possess with intent to deliver, a counterfeit substance.

19 (2) Any person who violates this subsection with respect to:

20 (i) A counterfeit substance, classified in schedule I or II, is guilty of a crime and upon
21 conviction may be imprisoned for not more than thirty (30) years, or fined not more than one
22 hundred thousand dollars (\$100,000), or both;

23 (ii) A counterfeit substance, classified in schedule III or IV, is guilty of a crime and upon
24 conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty
25 thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in
26 schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not
27 more than twenty thousand dollars (\$20,000) or both.

28 (iii) A counterfeit substance, classified in schedule V, is guilty of a crime and upon
29 conviction may be imprisoned for not more than one year, or fined not more than ten thousand
30 dollars (\$10,000), or both.

31 (c) (1) It shall be unlawful for any person knowingly or intentionally to possess a
32 controlled substance, unless the substance was obtained directly from, or pursuant to, a valid
33 prescription or order of a practitioner while acting in the course of his or her professional
34 practice, or except as otherwise authorized by this chapter.

1 (2) Any person who violates this subsection with respect to:

2 (i) A controlled substance classified in schedules I, II and III, IV, and V, except the
3 substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for
4 not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five
5 thousand dollars (\$5,000), or both;

6 (ii) More than one ounce (1 oz.) of a controlled substance classified in schedule I as
7 marijuana is guilty of a misdemeanor except for those persons subject to ~~subdivision~~ [§21-28-](#)
8 [4.01\(a\)\(1\)](#) and upon conviction may be imprisoned for not more than one year or fined not less
9 than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

10 (iii) Notwithstanding any public, special, or general law to the contrary, the possession
11 of one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older
12 and who is not exempted from penalties pursuant to chapter ~~21-28.6~~ [of this title](#) shall constitute a
13 civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty
14 dollars (\$150) and forfeiture of the marijuana, but not to any other form of criminal or civil
15 punishment or disqualification. Notwithstanding any public, special, or general law to the
16 contrary, this civil penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana
17 shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen
18 (18) months.

19 (iv) Notwithstanding any public, special, or general law to the contrary, possession of
20 one ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years and
21 who is not exempted from penalties pursuant to chapter ~~21-28.6~~ [of this title](#) shall constitute a civil
22 offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars
23 (\$150) and forfeiture of the marijuana; provided the minor offender completes an approved, drug-
24 awareness program and community service as determined by the court. If the person under the
25 age of eighteen (18) years fails to complete an approved, drug-awareness program and
26 community service within one year of the offense, the penalty shall be a three hundred dollar
27 (\$300) civil fine and forfeiture of the marijuana, except that if no drug-awareness program or
28 community service is available, the penalty shall be a fine of one hundred fifty dollars (\$150) and
29 forfeiture of the marijuana. The parents or legal guardian of any offender under the age of
30 eighteen (18) shall be notified of the offense and the availability of a drug-awareness and
31 community-service program. The drug-awareness program must be approved by the court, but
32 shall, at a minimum, provide four (4) hours of instruction or group discussion, and ten (10) hours
33 of community service. Notwithstanding any other public, special or general law to the contrary,
34 this civil penalty shall apply if the offense is the first (1st) or second (2nd) violation within the

1 previous eighteen (18) months.

2 (v) Notwithstanding any public, special, or general law to the contrary, a person not
3 exempted from penalties pursuant to chapter [21-28.6 of this title](#) found in possession of one ounce
4 (1 oz.) or less of marijuana is guilty of a misdemeanor and upon conviction may be imprisoned
5 for not more than thirty (30) days or fined not less than two hundred dollars (\$200) nor more than
6 five hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation
7 for possession of less than one ounce (1 oz.) of marijuana under ~~subparagraphs §§21-28-~~
8 4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) two (2) times in the eighteen (18) months prior to the third
9 (3rd) offense.

10 (vi) Any unpaid civil fine issued under ~~subparagraphs §§21-28-4.01(c)(2)(iii) or 21-28-~~
11 4.01(c)(2)(iv) shall double to three hundred dollars (\$300) if not paid within thirty (30) days of
12 the offense. The civil fine shall double again to six hundred dollars (\$600) if it has not been paid
13 within ninety (90) days.

14 (vii) No person may be arrested for a violation of ~~subparagraphs §§21-28-4.01(c)(2)(iii)~~
15 or 21-28-4.01(c)(2)(iv) except as provided in this subparagraph. Any person in possession of an
16 identification card, license, or other form of identification issued by the state or any state, city, or
17 town, or any college or university, who fails to produce the same upon request of a police officer
18 who informs the person that he or she has been found in possession of what appears to the officer
19 to be one ounce (1 oz.) or less of marijuana, or any person without any such forms of
20 identification that fails or refuses to truthfully provide his or her name, address, and date of birth
21 to a police officer who has informed such person that the officer intends to provide such
22 individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be
23 arrested.

24 (viii) No violation of ~~subparagraphs §§21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv)~~ shall
25 be considered a violation of parole or probation.

26 (ix) Any records collected by any state agency or tribunal that include personally
27 identifiable information about violations of ~~subparagraphs §§21-28-4.01(c)(2)(iii) or 21-28-~~
28 4.01(c)(2)(iv) shall be sealed eighteen (18) months after the payment of said civil fine.

29 (3) Jurisdiction. - Any and all violations of ~~subparagraphs §§21-28-4.01(c)(2)(iii) and~~
30 21-28-4.01(c)(2)(iv) shall be the exclusive jurisdiction of the Rhode Island traffic tribunal. All
31 money associated with the civil fine issued under ~~subparagraphs §§21-28-4.01(c)(2)(iii) or 21-28-~~
32 4.01(c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines
33 collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to
34 ~~subparagraphs §§21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv)~~ shall be expended on drug

1 awareness and treatment programs for youth.

2 (4) Additionally every person convicted or who pleads nolo contendere under paragraph
3 (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time
4 under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to
5 serve for the offense, shall be required to:

6 (i) Perform ~~r~~ up to one hundred (100) hours of community service;

7 (ii) Attend and complete a drug counseling and education program as prescribed by the
8 director of the department of mental health, retardation and hospitals and pay the sum of four
9 hundred dollars (\$400) to help defray the costs of this program which shall be deposited as
10 general revenues. Failure to attend may result, after hearing by the court, in jail sentence up to
11 one year;

12 (iii) The court shall not suspend any part or all of the imposition of the fee required by
13 this subsection, unless the court finds an inability to pay;

14 (iv) If the offense involves the use of any automobile to transport the substance or the
15 substance is found within an automobile, then a person convicted or who pleads nolo contendere
16 under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period
17 of six (6) months for a first offense and one year for each offense after ~~this~~.

18 (5) All fees assessed and collected pursuant to paragraph (3)(ii) of this subsection shall
19 be deposited as general revenues and shall be collected from the person convicted or who pleads
20 nolo contendere before any other fines authorized by this chapter.

21 (d) It shall be unlawful for any person to manufacture, distribute, or possess with intent
22 to manufacture or distribute, an imitation controlled substance. Any person who violates this
23 subsection is guilty of a crime, ~~r~~ and upon conviction shall be subject to the same term of
24 imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the
25 controlled substance ~~which~~ that the particular imitation controlled substance forming the basis of
26 the prosecution was designed to resemble and/or represented to be; but in no case shall the
27 imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars
28 (\$20,000).

29 (e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an
30 anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport,
31 or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight
32 without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor
33 and upon conviction may be imprisoned for not more than six (6) months or a fine of not more
34 than one thousand dollars (\$1,000), or both.

1 (f) It is unlawful for any person to knowingly or intentionally possess, manufacture,
2 distribute, or possess with intent to manufacture or distribute any extract compound, salt
3 derivative, or mixture of salvia divinorum or datura stramonium or its extracts unless the person
4 is exempt pursuant to the provisions of §21-28-3.30. Notwithstanding any laws to the contrary,
5 any person who violates this section is guilty of a misdemeanor, and, upon conviction, may be
6 imprisoned for not more than one year, or fined not more than one thousand dollars (\$1,000), or
7 both. The provisions of this section shall not apply to licensed physicians, pharmacists, and
8 accredited hospitals and teaching facilities engaged in the research or study of salvia divinorum or
9 datura stramonium and shall not apply to any person participating in clinical trials involving the
10 use of salvia divinorum or datura stramonium.

11 SECTION 3. This act shall take effect upon passage.

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LC004853
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

1 This act would add the hallucinogenic drugs Salvia Divinorum (Salvinorin A or
2 Divinorin A), Datura stramonium (jimson weed or jimsom weed) and synthetic cannabinoids
3 (synthetic marijuana) to the Rhode Island Controlled Substances Act Schedule 1, the misuse of
4 which may result in the requisite criminal penalties for abuse.

5 This act would take effect upon passage.

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