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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

Introduced By: Representatives Corvese, O'Brien, Azzinaro, Edwards, and Ajello

Date Introduced: January 23, 2014

Referred To: House 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) Pir tramide
- 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) Methyl-desorphine

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-CH<sub>2</sub>-CH<sub>2</sub>-CH<sub>2</sub>OH, 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) Methypylon

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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LC003011  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO FOOD AND DRUGS - UNIFORM CONTROLLED SUBSTANCE ACT

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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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LC003011  
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