

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 524
Judiciary I Committee Substitute Adopted 4/11/89
House Committee Substitute Favorable 7/19/90

Short Title: Drug Schedule Additions.

(Public)

Sponsors:

Referred to:

March 20, 1989

A BILL TO BE ENTITLED

AN ACT TO INCLUDE ADDITIONAL CONTROLLED SUBSTANCES IN THE
CONTROLLED SUBSTANCES SCHEDULES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 90-89 reads as rewritten:

"§ 90-89. Schedule I controlled substances.

This schedule includes the controlled substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated. In determining that a substance comes within this schedule, the Commission shall find: a high potential for abuse, no currently accepted medical use in the United States, or a lack of accepted safety for use in treatment under medical supervision. The following controlled substances are included in this schedule:

(a) Any of the following opiates, including the isomers, esters, ethers, salts and salts of isomers, esters, and ethers, unless specifically excepted, or listed in another schedule, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- 01. Acetyl-alpha-methylfentanyl (N[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide).
- 1. Acetylmethadol.
- 1a. Repealed by Session Laws 1987, c.412, s.2.
- 1b. Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).

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2. Allylprodine.
 3. Alphacetylmethadol.
 4. Alphameprodine.
 5. Alphamethadol.
 - 5a. Alpha-methylfentanyl
(N-(1-(alpha-methyl-beta-phenyl)-4-piperidyl)
propionalilide;
1(1-methyl-2-phenyl-ethyl)-4-(N-propanilido) piperidine).
 6. Benzethidine.
 7. Betacetylmethadol.
 - 7a. Beta-hydroxfentanyl (N-[1-(2-hydroxy-
2-phenethyl)-4-piperidinyl]-N-phenylpropanamide).
 - 7b. Beta-hydroxy-3-methylfentanyl (N-[1-(2-hydroxy-
2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide).
 8. Betameprodine.
 9. Betamethadol.
 10. Betaprodine.
 11. Clonitazene.
 12. Dextromoramide.
 13. Diampromide.
 14. Diethylthiambutene.
 15. Difenoxin.
 16. Dimenoxadol.
 17. Dimepheptanol.
 18. Dimethylthiambutene.
 19. Dioxaphetyl butyrate.
 20. Dipipanone.
 21. Ethylmethylthiambutene.
 22. Etonitazene.
 23. Etoxeridine.
 24. Furethidine.
 25. Hydroxypethidine.
 26. Ketobemidone.
 27. Levomoramide.
 28. Levophenacymorphan.
 - 28a. 1-methyl-4-phenyl-4 propionoxypiperidine (MPPP).
 - 28b. 3-Methylfentanyl (N-[3-methyl-1-(2-Phenylethyl)-4-Piperidyl]-N-
Phenylpropanamide).
 - 28c. 3-Methylthiofentanyl (N-[(3-methyl-
1-(2-thienyl)ethyl)-4-piperidinyl]-N-phenylpropanamide).
 29. Morpheridine.
 30. Noracymethadol.
 31. Norlevorphanol.
 32. Normethadone.

- 1 33. Norpipanone.
- 2 33a. Para-fluorofentanyl (N-(4-fluorophenyl)-N-
- 3 [1-(2-phenethyl)-4-piperidinyl]-propanamide.
- 4 34. Phenadoxone.
- 5 35. Phenampromide.
- 6 35a. 1-(2-phenethyl)-4-phenyl-4 acetoxypiperidine PEPAP).
- 7 36. Phenomorphan.
- 8 37. Phenoperidine.
- 9 38. Piritramide.
- 10 39. Proheptazine.
- 11 40. Properidine.
- 12 41. Propiram.
- 13 42. Racemoramide.
- 14 42a. Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-
- 15 4-piperidinyl]-propanamide.
- 16 ~~42a.~~ 42b. Tilidine.
- 17 43. Trimeperidine.
- 18 (b) Any of the following opium derivatives, including their salts, isomers, and
- 19 salts of isomers, unless specifically excepted, or listed in another schedule, whenever
- 20 the existence of such salts, isomers, and salts of isomers is possible within the specific
- 21 chemical designation:
 - 22 1. Acetorphine.
 - 23 2. Acetyldihydrocodeine.
 - 24 3. Benzylmorphine.
 - 25 4. Codeine methylbromide.
 - 26 5. Codeine-N-Oxide.
 - 27 6. Cyprenorphine.
 - 28 7. Desomorphine.
 - 29 8. Dihydromorphine.
 - 30 9. Etorphine (except hydrochloride salt).
 - 31 10. Heroin.
 - 32 11. Hydromorphanol.
 - 33 12. Methyldesorphine.
 - 34 13. Methyldihydromorphine.
 - 35 14. Morphine methylbromide.
 - 36 15. Morphine methylsulfonate.
 - 37 16. Morphine-N-Oxide.
 - 38 17. Myrophine.
 - 39 18. Nicocodeine.
 - 40 19. Nicomorphine.
 - 41 20. Normorphine.
 - 42 21. Pholcodine.
 - 43 22. Thebacon.
 - 44 23. Drotebanol.

1 (c) Any material, compound, mixture, or preparation which contains any quantity
2 of the following hallucinogenic substances, including their salts, isomers, and salts of
3 isomers, unless specifically excepted, or listed in another schedule, whenever the
4 existence of such salts, isomers, and salts of isomers is possible within the specific
5 chemical designation:

- 6 1. 3, 4-methylenedioxyamphetamine.
- 7 2. 5-methoxy-3, 4-methylenedioxyamphetamine.
- 8 2a. 3,4-Methylenedioxymethamphetamine (MDMA).
- 9 2b. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-
10 alpha-methyl-3,4-(methylenedioxy)phenethylamine, N-ethyl MDA,
11 MDE, and MDEA).
- 12 2c. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-
13 hydroxy-alpha-methyl-3,4-(methylenedioxy)phenethylamine, and N-
14 hydroxy MDA).
- 15 3. 3, 4, 5-trimethoxyamphetamine.
- 16 4. Bufotenine.
- 17 5. Diethyltryptamine.
- 18 6. Dimethyltryptamine.
- 19 7. 4-methyl-2, 5-dimethoxyamphetamine.
- 20 8. Ibogaine.
- 21 9. Lysergic acid diethylamide.
- 22 10. Mescaline.
- 23 11. Peyote, meaning all parts of the plant presently classified botanically
24 as *Lophophora Williamsii* Lemaire, whether growing or not; the seeds
25 thereof; any extract from any part of such plant; and every compound,
26 manufacture, salt, derivative, mixture or preparation of such plant, its
27 seed or extracts.
- 28 12. N-ethyl-3-piperidyl benzilate.
- 29 13. N-methyl-3-piperidyl benzilate.
- 30 14. Psilocybin.
- 31 15. Psilocyn.
- 32 16. 2, 5-dimethoxyamphetamine.
- 33 17. 4-bromo-2, 5-dimethoxyamphetamine.
- 34 18. 4-methoxyamphetamine.
- 35 19. Ethylamine analog of phencyclidine. Some trade or other names: N-
36 ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-
37 (1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.
- 38 20. Pyrrolidine analog of phencyclidine. Some trade or other names: 1-(1-
39 phenylcyclohexyl)-pyrrolidine, PCPy, PHP.
- 40 21. Thiophene analog of phencyclidine. Some trade or other names: 1-[1-
41 (2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine,
42 TCP, TCP.
- 43 21a. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine; Some other names: TCPy.
- 44 22. Parahexyl.

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

- 6 1. Mecloqualone.
- 7 2. Methaqualone.

8 (e) Stimulants. – Unless specifically excepted or unless listed in another
9 schedule, any material, compound, mixture, or preparation that contains any quantity of
10 the following substances having as stimulant effect on the central nervous system,
11 including its salts, isomers, and salts of isomers:

- 12 1. Fenethylline.
- 13 1a. (+/-)cis-4-methylaminorex [(+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
14 oxazolamine] (also known as 2-amino-4-methyl-5-phenyl-2-
15 oxazoline).
- 16 1b. N,N-dimethylamphetamine [Some other names: N,N,alpha-
17 trimethylbenzeneethanamine;
18 N,N,alpha-trimethylphenethylamine].
- 19 2. N-ethylamphetamine."

20 Sec. 2. G.S. 90-90 reads as rewritten:

21 **"§ 90-90. Schedule II controlled substances.**

22 This schedule includes the controlled substances listed or to be listed by whatever
23 official name, common or usual name, chemical name, or trade name designated. In
24 determining that a substance comes within this schedule, the Commission shall find: a
25 high potential for abuse; currently accepted medical use in the United States, or
26 currently accepted medical use with severe restrictions; and the abuse of the substance
27 may lead to severe psychic or physical dependence. The following controlled substances
28 are included in this schedule:

29 (a) Any of the following substances whether produced directly or indirectly by
30 extraction from substances of vegetable origin, or independently by means of chemical
31 synthesis, or by a combination of extraction and chemical synthesis, unless specifically
32 excepted or unless listed in another schedule:

- 33 1. Opium and opiate, and any salt, compound, derivative, or preparation
34 of opium and opiate, excluding apomorphine, nalbuphine, dextrorphan,
35 naloxone, naltrexone and nalmefene and their respective salts, but
36 including the following:
 - 37 (i) Raw opium.
 - 38 (ii) Opium extracts.
 - 39 (iii) Opium fluid extracts.
 - 40 (iv) Powdered opium.
 - 41 (v) Granulated opium.
 - 42 (vi) Tincture of opium.
 - 43 (vii) Codeine.
 - 44 (viii) Ethylmorphine.

- 1 (ix) Etorphine hydrochloride.
2 (x) Hydrocodone.
3 (xi) Hydromorphone.
4 (xii) Metopon.
5 (xiii) Morphine.
6 (xiv) Oxycodone.
7 (xv) Oxymorphone.
8 (xvi) Thebaine.
- 9 2. Any salt, compound, derivative, or preparation thereof which is
10 chemically equivalent or identical with any of the substances referred
11 to in paragraph 1 of this subdivision, except that these substances shall
12 not include the isoquinoline alkaloids of opium.
- 13 3. Opium poppy and poppy straw.
- 14 4. Cocaine and any salt, isomer, salts of isomers, compound, derivative,
15 or preparation thereof, or coca leaves and any salt, isomer, salts of
16 isomers, compound, derivative, or preparation of coca leaves, or any
17 salt, isomer, salts of isomers, compound, derivative, or preparation
18 thereof which is chemically equivalent or identical with any of these
19 substances, except that the substances shall not include decocanized
20 coca leaves or extraction of coca leaves, which extractions do not
21 contain cocaine or ecgonine.
- 22 5. Concentrate of poppy straw (the crude extract of poppy straw in either
23 liquid, solid or powder form which contains the phenanthrine alkaloids
24 of the opium poppy).
- 25 (b) Any of the following opiates, including their isomers, esters, ethers, salts, and
26 salts of isomers, whenever the existence of such isomers, esters, ethers, and salts is
27 possible within the specific chemical designation unless specifically exempted or listed
28 in other schedules:
- 29 01. Alfentanil.
30 1. Alphaprodine.
31 2. Anileridine.
32 3. Bezitramide.
33 3a. Carfentanil.
34 4. Dihydrocodeine.
35 5. Diphenoxylate.
36 6. Fentanyl.
37 7. Isomethadone.
38 8. Levomethorphan.
39 9. Levorphanol.
40 10. Metazocine.
41 11. Methadone.
42 12. Methadone – Intermediate, 4-cyano-2-dimethylamino-4, 4- diphenyl
43 butane.

- 1 13. Moramide – Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-
- 2 propane-carboxylic acid.
- 3 14. Pethidine.
- 4 15. Pethidine – Intermediate – A, 4-cyano-1-methyl-4-phenylpiperidine.
- 5 16. Pethidine – Intermediate – B, ethyl-4-phenylpiperidine-4- carboxylate.
- 6 17. Pethidine – Intermediate – C, 1-methyl-4-phenylpiperidine-4-
- 7 carboxylic acid.
- 8 18. Phenazocine.
- 9 19. Piminodine.
- 10 20. Racemethorphan.
- 11 21. Racemorphan.
- 12 22. Sufentanil.

13 (c) Any material, compound, mixture, or preparation which contains any quantity
14 of the following substances having a potential for abuse associated with a stimulant
15 effect on the central nervous system unless specifically exempted or listed in another
16 schedule:

- 17 1. Amphetamine, its salts, optical isomers, and salts of its optical
- 18 isomers.
- 19 2. Phenmetrazine and its salts.
- 20 3. Methamphetamine, including its salts, isomers, and salts of isomers.
- 21 4. Methylphenidate.
- 22 5. Phenylacetone. Some trade or other names: Phenyl-2-propanone; P2P;
- 23 benzyl methyl ketone; methyl benzyl ketone.

24 (d) Any material, compound, mixture, or preparation which contains any quantity
25 of the following substances having a depressant effect on the central nervous system,
26 including its salts, isomers, and salts of isomers whenever the existence of such salts,
27 isomers, and salts of isomers is possible within the specific chemical designation, unless
28 specifically exempted by the Commission or listed in another schedule:

- 29 1. Amobarbital.
- 30 2. Repealed by Session Laws 1983, c. 695, s. 2, effective October 1,
- 31 1983.
- 32 3. Pentobarbital.
- 33 4. Phencyclidine.
- 34 5. Phencyclidine immediate precursors:
- 35 a. 1-Phencyclohexylamine
- 36 b. 1-Piperidinocyclohexanecarbonitrile (PCC)
- 37 6. Secobarbital.

38 (e) Any material, compound, mixture, or preparation which contains any quantity
39 of the following hallucinogenic substances, including their salts, isomers, and salts of
40 isomers, unless specifically excepted, or listed in another schedule, whenever the
41 existence of such salts, isomers, and salts of isomers is possible within the specific
42 chemical designation:

- 43 1. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
- 44 capsule in a U.S. Food and Drug Administration approved drug

1 product. [Some other names: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-
2 trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-
3 tetrahydrocannabinol].

4 2. Nabilone [Another name for nabilone: (+/-)-trans-3-(1,1-
5 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-
6 9H-dibenzo[b,d]pyran-9-one]."

7 Sec. 3. G.S. 90-93 reads as rewritten:

8 **"§ 90-93. Schedule V controlled substances.**

9 (a) This schedule includes the controlled substances listed or to be listed by
10 whatever official name, common or usual name, chemical name, or trade name
11 designated. In determining that a substance comes within this schedule, the Commission
12 shall find: a low potential for abuse relative to the substances listed in Schedule IV of
13 this Article; currently accepted medical use in the United States; and limited physical or
14 psychological dependence relative to the substances listed in Schedule IV of this
15 Article. The following controlled substances are included in this schedule:

16 1. Any compound, mixture or preparation containing any of the
17 following limited quantities of narcotic drugs or salts thereof, which
18 shall include one or more nonnarcotic active medicinal ingredients in
19 sufficient proportion to confer upon the compound, mixture, or
20 preparation valuable medicinal qualities other than those possessed by
21 the narcotic alone:

- 22 (i) Not more than 200 milligrams of codeine or any of its salts
23 per 100 milliliters or per 100 grams.
24 (ii) Not more than 100 milligrams of dihydrocodeine or any of
25 its salts per 100 milliliters or per 100 grams.
26 (iii) Not more than 100 milligrams of ethylmorphine or any of its
27 salts per 100 milliliters or per 100 grams.
28 (iv) Not more than 2.5 milligrams of diphenoxylate and not less
29 than 25 micrograms of atropine sulfate per dosage unit.
30 (v) Not more than 100 milligrams of opium per 100 milliliters
31 or per 100 grams.
32 (vi) Not more than 0.5 milligram of difenoxin and not less than
33 25 micrograms of atropine sulfate per dosage unit.

34 2. Repealed by Session Laws 1985, c. 172, s. 9, effective May 10, 1985.

35 3. Stimulants. - Unless specifically exempted or excluded or unless listed
36 in another schedule, any material, compound, mixture, or preparation
37 which contains any quantity of the following substances having a
38 stimulant effect on the central nervous system, including its salts,
39 isomers and salts of isomers:

40 a. Propylhexedrine.

41 b. Pyrovalerone.

42 (b) A Schedule V substance may be sold at retail without a prescription only by a
43 registered pharmacist and no other person, agent or employee may sell a Schedule V
44 substance even if under the direct supervision of a pharmacist.

1 (c) Notwithstanding the provisions of G.S. 90-93(b), after the pharmacist has
2 fulfilled the responsibilities required of him in this Article, the actual cash transaction,
3 credit transaction, or delivery of a Schedule V substance, may be completed by a
4 nonpharmacist. A pharmacist may refuse to sell a Schedule V substance until he is
5 satisfied that the product is being obtained for medicinal purposes only.

6 (d) A Schedule V substance may be sold at retail without a prescription only to a
7 person at least 18 years of age. The pharmacist must require every retail purchaser of a
8 Schedule V substance to furnish suitable identification, including proof of age when
9 appropriate, in order to purchase a Schedule V substance. The name and address
10 obtained from such identification shall be entered in the record of disposition to
11 consumers."

12 Sec. 4. G.S. 90-101(i) reads as rewritten:

13 "(i) A physician licensed by the Board of Medical Examiners pursuant to Article 1 of
14 this Chapter may dispense or administer Dronabinol or Nabilone as scheduled in G.S.
15 90-90(e) only as an antiemetic agent in cancer chemotherapy."

16 Sec. 5. This act is effective upon ratification.