
SUBSTITUTE SENATE BILL 6191

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators West, Vognild, Sellar, Murray and L. Smith)

Read first time 02/07/92.

1 AN ACT Relating to controlled substances; amending RCW 69.50.201,
2 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208,
3 69.50.209, 69.50.210, 69.50.211, 69.50.212, and 69.50.213; and adding
4 a new section to chapter 69.50 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 69.50.201 and 1989 1st ex.s. c 9 s 430 are each
7 amended to read as follows:

8 AUTHORITY TO CONTROL. (a) The state board of pharmacy shall
9 enforce this chapter and may add substances to or delete or reschedule
10 ~~((all))~~ substances ~~((enumerated in the schedules))~~ listed in RCW
11 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to
12 the ~~((rule-making))~~ procedures of chapter 34.05 RCW.

13 (1) In making a determination regarding a substance, the board
14 shall consider the following:

1 ~~((1))~~ (i) the actual or relative potential for abuse;

2 ~~((2))~~ (ii) the scientific evidence of its pharmacological effect,
3 if known;

4 ~~((3))~~ (iii) the state of current scientific knowledge regarding
5 the substance;

6 ~~((4))~~ (iv) the history and current pattern of abuse;

7 ~~((5))~~ (v) the scope, duration, and significance of abuse;

8 ~~((6))~~ (vi) the risk to the public health;

9 ~~((7))~~ (vii) the potential of the substance to produce psychic or
10 physiological dependence liability; and

11 ~~((8))~~ (viii) whether the substance is an immediate precursor of
12 a ~~((substance already))~~ controlled ~~((under this Article))~~ substance.

13 ~~((b) After considering the factors enumerated in subsection (a)~~
14 ~~the board may issue a rule controlling the substance if it finds the~~
15 ~~substance has a potential for abuse.~~

16 ~~(c) If the board designates a substance as an immediate precursor,~~
17 ~~substances which are precursors of the controlled precursor shall not~~
18 ~~be subject to control solely because they are precursors of the~~
19 ~~controlled precursor.~~

20 ~~(d) If any substance is designated, rescheduled, or deleted as a~~
21 ~~controlled substance under federal law and notice thereof is given to~~
22 ~~the board, the substance shall be similarly controlled under this~~
23 ~~chapter after the expiration of thirty days from publication in the~~
24 ~~Federal Register of a final order designating a substance as a~~
25 ~~controlled substance or rescheduling or deleting a substance, unless~~
26 ~~within that thirty day period, the board objects to inclusion,~~
27 ~~rescheduling, or deletion. In that case, the board shall proceed~~
28 ~~pursuant to the rule-making procedures of chapter 34.05 RCW.~~

1 ~~(e) Authority to control under this section does not extend to~~
2 ~~distilled spirits, wine, malt beverages, or tobacco as those terms are~~
3 ~~defined or used in Title 66 RCW and Title 26 RCW.~~

4 ~~(f) The board shall exclude any nonnarcotic substances from a~~
5 ~~schedule if such substances may, under the Federal Food, Drug and~~
6 ~~Cosmetic Act, and under regulations of the drug enforcement~~
7 ~~administration, and the laws of this state including RCW 18.64.250, be~~
8 ~~lawfully sold over the counter.))~~

9 (2) The board may consider findings of the federal Food and Drug
10 Administration or the Drug Enforcement Administration as prima facie
11 evidence relating to one or more of the determinative factors.

12 ~~((g))~~ (b) On or before December 1 of each year, the board shall
13 inform the committees of reference of the legislature of the controlled
14 substances added, deleted, or changed on the schedules specified in
15 this chapter and which includes an explanation of these actions.

16 (c) After considering the factors enumerated in subsection (a) of
17 this section, the board shall make findings with respect thereto and
18 adopt and cause to be published a rule controlling the substance upon
19 finding the substance has a potential for abuse.

20 (d) The board, without regard to the findings required by
21 subsection (a) of this section or RCW 69.50.203, 69.50.205, 69.50.207,
22 69.50.209, and 69.50.211 or the procedures prescribed by subsections
23 (a) and (c) of this section, may place an immediate precursor in the
24 same schedule in which the controlled substance of which it is an
25 immediate precursor is placed or in any other schedule. If the board
26 designates a substance as an immediate precursor, substances that are
27 precursors of the controlled precursor are not subject to control
28 solely because they are precursors of the controlled precursor.

29 (e) If a substance is designated, rescheduled, or deleted as a
30 controlled substance under federal law, the board shall similarly

1 control the substance under this chapter after the expiration of thirty
2 days from the date of publication in the federal register of a final
3 order designating the substance as a controlled substance or
4 rescheduling or deleting the substance or from the date of issuance of
5 an order of temporary scheduling under Section 508 of the federal
6 Dangerous Drug Diversion Control Act of 1984, 21 U.S.C. Sec. 811(h),
7 unless within that thirty-day period, the board or an interested party
8 objects to inclusion, rescheduling, temporary scheduling, or deletion.
9 If no objection is made, the board shall adopt and cause to be
10 published, without the necessity of making determinations or findings
11 as required by subsection (a) of this section or RCW 69.50.203,
12 69.50.205, 69.50.207, 69.50.209, and 69.50.211, a final rule, for which
13 notice of proposed rulemaking is omitted, designating, rescheduling,
14 temporarily scheduling, or deleting the substance. If an objection is
15 made, the board shall make a determination with respect to the
16 designation, rescheduling, or deletion of the substance as provided by
17 subsection (a) of this section. Upon receipt of an objection to
18 inclusion, rescheduling, or deletion under this chapter by the board,
19 the board shall publish notice of the receipt of the objection, and
20 control under this chapter is stayed until the board adopts a rule as
21 provided by subsection (a) of this section.

22 (f) The board, by rule and without regard to the requirements of
23 subsection (a) of this section, may schedule a substance in Schedule I
24 regardless of whether the substance is substantially similar to a
25 controlled substance in Schedule I or II if the board finds that
26 scheduling of the substance on an emergency basis is necessary to avoid
27 an imminent hazard to the public safety and the substance is not
28 included in any other schedule or no exemption or approval is in effect
29 for the substance under Section 505 of the federal Food, Drug, and
30 Cosmetic Act, 21 U.S.C. Sec. 355. Upon receipt of notice under RCW

1 69.50.--- (section 13 of this act), the board shall initiate scheduling
2 of the controlled substance analog on an emergency basis pursuant to
3 this subsection. The scheduling of a substance under this subsection
4 expires one year after the adoption of the scheduling rule. With
5 respect to the finding of an imminent hazard to the public safety, the
6 board shall consider whether the substance has been scheduled on a
7 temporary basis under federal law or factors set forth in subsection
8 (a)(1) (iv), (v), and (vi) of this section, and may also consider
9 clandestine importation, manufacture, or distribution, and, if
10 available, information concerning the other factors set forth in
11 subsection (a)(1) of this section. A rule may not be adopted under
12 this subsection until the board initiates a rule-making proceeding
13 under subsection (a) of this section with respect to the substance. A
14 rule adopted under this subsection must be vacated upon the conclusion
15 of the rule-making proceeding initiated under subsection (a) of this
16 section with respect to the substance.

17 (g) Authority to control under this section does not extend to
18 distilled spirits, wine, malt beverages, or tobacco as those terms are
19 defined or used in Titles 66 and 26 RCW.

20 **Sec. 2.** RCW 69.50.203 and 1971 ex.s. c 308 s 69.50.203 are each
21 amended to read as follows:

22 SCHEDULE I TESTS. (a) The state board of pharmacy shall place
23 a substance in Schedule I ((if it finds)) upon finding that the
24 substance:

25 (1) has high potential for abuse; ((and))

26 (2) has no currently accepted medical use in treatment in the
27 United States ((or)); and

28 (3) lacks accepted safety for use in treatment under medical
29 supervision.

1 (b) The board may place a substance in Schedule I without making
2 the findings required by subsection (a) of this section if the
3 substance is controlled under Schedule I of the federal Controlled
4 Substances Act by a federal agency as the result of an international
5 treaty, convention, or protocol.

6 **Sec. 3.** RCW 69.50.204 and 1986 c 124 s 3 are each amended to read
7 as follows:

8 SCHEDULE I. (~~((a) The controlled substances listed in this~~
9 ~~section, by whatever official name, common or usual name, chemical~~
10 ~~name, or brand name, are included in Schedule I.~~

11 ~~(b) Opiates. Unless specifically excepted or unless listed in~~
12 ~~another schedule, any)) Unless specifically excepted by state or~~
13 ~~federal law or regulation or more specifically included in another~~
14 ~~schedule, the following controlled substances are listed in Schedule I:~~

15 (a) Any of the following opiates, including their isomers, esters,
16 ethers, salts, and salts of isomers, esters, and ethers((~~7~~)) whenever
17 the existence of these isomers, esters, ethers, and salts is possible
18 within the specific chemical designation:

19 (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
20 piperidinyl]-N-phenylacetamide;

21 (2) Acetylmethadol;

22 (~~((2) Alfentanil;~~))

23 (3) Allylprodine;

24 (4) Alphacetylmethadol;

25 (5) Alphameprodine;

26 (6) Alphamethadol;

27 (7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-4-
28 piperidyl] (~~(propionanilide)) propionanilide; 1-(1-methyl-2-~~
29 ~~phenylethyl)-4-(N-propanilido) piperidine);~~

- 1 (8) Benzethidine;
- 2 (9) Betacetylmethadol;
- 3 (10) Betameprodine;
- 4 (11) Betamethadol;
- 5 (12) Betaprodine;
- 6 (13) Clonitazene;
- 7 (14) Dextromoramide;
- 8 (15) Diampromide;
- 9 (16) Diethylthiambutene;
- 10 (17) Difenoxin;
- 11 (18) Dimenoxadol;
- 12 (19) Dimepheptanol;
- 13 (20) Dimethylthiambutene;
- 14 (21) Dioxaphetyl butyrate;
- 15 (22) Dipipanone;
- 16 (23) Ethylmethylthiambutene;
- 17 (24) Etonitazene;
- 18 (25) Etoxeridine;
- 19 (26) Furethidine;
- 20 (27) Hydroxypethidine;
- 21 (28) Ketobemidone;
- 22 (29) Levomoramide;
- 23 (30) Levophenacylmorphan;
- 24 (31) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-
- 25 N-phenylprop anamide);
- 26 (32) Morpheridine;
- 27 ((+32)) (33) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 28 (34) Noracymethadol;
- 29 ((+33)) (35) Norlevorphanol;
- 30 ((+34)) (36) Normethadone;

1 ~~((+35))~~ (37) Norpipanone;
2 ~~((+36))~~ (38) PEPAP(1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
3 (39) Phenadoxone;
4 ~~((+37))~~ (40) Phenampromide;
5 ~~((+38))~~ (41) Phenomorphan;
6 ~~((+39))~~ (42) Phenoperidine;
7 ~~((+40))~~ (43) Piritramide;
8 ~~((+41) Propheptazine))~~ (44) Proheptazine;
9 ~~((+42))~~ (45) Properidine;
10 ~~((+43))~~ (46) Propiram;
11 ~~((+44))~~ (47) Racemoramide;
12 ~~((+45))~~ (48) Tilidine;
13 ~~((+46))~~ (49) Trimeperidine.

14 ~~((+e))~~ (b) Opium derivatives. Unless specifically excepted or
15 unless listed in another schedule, any of the following opium
16 derivatives, including their salts, isomers, and salts of isomers(~~((7))~~)
17 whenever the existence of (~~((these))~~) those salts, isomers, and salts of
18 isomers is possible within the specific chemical designation:

- 19 (1) Acetorphine;
- 20 (2) Acetyldihydrocodeine;
- 21 (3) Benzylmorphine;
- 22 (4) Codeine methylbromide;
- 23 (5) Codeine-N-Oxide;
- 24 (6) Cyprenorphine;
- 25 (7) Desomorphine;
- 26 (8) Dihydromorphine;
- 27 (9) Drotebanol;
- 28 (10) Etorphine(~~((+))~~), except hydrochloride salt(~~((+))~~);
- 29 (11) Heroin;
- 30 (12) Hydromorphinol;

- 1 (13) Methyldesorphine;
- 2 (14) Methyldihydromorphine;
- 3 (15) Morphine methylbromide;
- 4 (16) Morphine methylsulfonate;
- 5 (17) Morphine-N-Oxide;
- 6 (18) Myrophine;
- 7 (19) Nicocodeine;
- 8 (20) Nicomorphine;
- 9 (21) Normorphine;
- 10 (22) Pholcodine;
- 11 (23) Thebacon.

12 ~~((d))~~ (c) Hallucinogenic substances. Unless specifically
13 excepted or unless listed in another schedule, any material, compound,
14 mixture, or preparation which contains any quantity of the following
15 hallucinogenic substances, ~~((or which contains any of its))~~ including
16 their salts, isomers, and salts of isomers~~((7))~~ whenever the existence
17 of ~~((such))~~ those salts, isomers, and salts of isomers is possible
18 within the specific chemical designation ~~((For purposes of paragraph~~
19 ~~(d) of this section, only, the term "isomer" includes the optical,~~
20 ~~position, and geometric isomers.))~~:

- 21 ~~(1) 3,4-methylenedioxy amphetamine;~~
- 22 ~~(2) 5-methoxy-3,4-methylenedioxy amphetamine;~~
- 23 ~~(3) 3,4,5-trimethoxy amphetamine;~~
- 24 ~~(4) 4-bromo-2,5-dimethoxy amphetamine:—Some trade or other names:~~
25 ~~4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;—4-bromo-2,5-DMA;~~
- 26 ~~(5) 2,5-dimethoxyamphetamine:—Some trade or other names:—2,5-~~
27 ~~dimethoxy-alpha-methylphenethylamine;—2,5-DMA;~~
- 28 ~~(6) 4-methoxyamphetamine:—Some trade or other names:—4-methoxy-~~
29 ~~alpha-methylphenethylamine; paramethoxyamphetamine; PMA;~~

1 ~~(7) 4-methyl-2,5-dimethoxyamphetamine: Some trade or other names:~~
2 ~~4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP";~~
3 ~~(8) — Bufotenine: ————— Some — trade — or — other — names:~~
4 ~~3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-~~
5 ~~indololol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;~~
6 ~~mappine;~~
7 ~~(9) — Diethyltryptamine: ————— Some — trade — or — other — names:~~
8 ~~N,N-Diethyltryptamine; DET;~~
9 ~~(10) Dimethyltryptamine: Some trade or other names: DMT;~~
10 ~~(11) — Ibogaine: ————— Some — trade — or — other — names: — 7-Ethyl-6,6-~~
11 ~~beta,7,8,9,10,12,13, octahydro-2-methoxy-6,9methano-5H-pyndo-(1',2'1,2)~~
12 ~~azepino-(5,4-b) indole; Tabernanthe iboga;~~
13 ~~(12) Lysergic acid diethylamide;~~
14 ~~(13) Marihuana;~~
15 ~~(14) Mescaline;~~
16 ~~(15) Parahexyl-7374; some trade or other names: — 3-Hexyl-1-hydroxy-~~
17 ~~7, — 8, — 9, — 10-tetrahydro-6, — 6, — 9-trimethyl-6H-dibenzo[b,d]pyran;~~
18 ~~synhexyl;~~
19 ~~(16) Peyote, meaning all parts of the plant presently classified~~
20 ~~botanically as Lophophora Williamsii Lemaire, whether growing or not,~~
21 ~~the seeds thereof, any extract from any part of such plant, and every~~
22 ~~compound, manufacture, salts, derivative, mixture, or preparation of~~
23 ~~such plant, its seeds, or extracts (interprets 21 U.S.C. Sec. 812(c),~~
24 ~~Schedule I(c)(12));~~
25 ~~(17) N-ethyl-3-piperidyl benzilate;~~
26 ~~(18) N-methyl-3-piperidyl benzilate;~~
27 ~~(19) Psilocybin;~~
28 ~~(20) Psilocyn;~~
29 ~~(21) Tetrahydrocannabinols, synthetic equivalents of the substances~~
30 ~~contained in the plant, or in the resinous extractives of Cannabis,~~

1 specifically, and/or synthetic substances, derivatives, and their
2 isomers with similar chemical structure and pharmacological activity
3 such as the following:

4 (i) Delta 1 — cis — or trans tetrahydrocannabinol, and their
5 optical isomers;

6 (ii) Delta 6 — cis — or trans tetrahydrocannabinol, and their
7 optical isomers;

8 (iii) Delta 3.4 — cis — or trans tetrahydrocannabinol, and its
9 optical isomers;

10 (Since nomenclature of these substances is not internationally
11 standardized, compounds of these structures, regardless of numerical
12 designation of atomic positions covered, are all included.)

13 (22) Ethylamine analog of phencyclidine: Some trade or other
14 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine;
15 N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

16 (23) Pyrrolidine analog of phencyclidine: Some trade or other
17 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

18 (24) Thiophene analog of phencyclidine: Some trade or other names:
19 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
20 phencyclidine; TPCP; TCP).

21 ((e) Depressants. Unless specifically excepted or unless listed
22 in another schedule, any material compound, mixture, or preparation
23 which contains any quantity of mecloqualone having a depressant effect
24 on the central nervous system, including its salts, isomers, and salts
25 of isomers whenever the existence of such salts, isomers, and salts of
26 isomers is possible within the specific chemical designation.

27 (1) Mecloqualone;

28 (2) Methaqualone.

29 (f) Stimulants. Unless specifically excepted or unless listed in
30 another schedule, any material, compound, mixture, or preparation which

1 contains any quantity of the following substances having a stimulant
2 effect on the central nervous system, including its salts, isomers, and
3 salts of isomers:

4 (1) Fenethyline;

5 (2) N-ethylamphetamine;

6 (3) 3-methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-
7 phenylpropanamide), its optical and geometric isomers, salts and salts
8 of isomers;

9 (4) 3,4-methylenedioxymethamphetamine (MDMA), its optical,
10 positional and geometric isomers, salts and salts of isomers;

11 (5) 1-methyl-4-phenyl-4-propionoxy-piperidine (MPPP), its optical
12 isomers, salts, and salts of isomers;

13 (6) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its
14 optical isomers, salts and salts of isomers)) (1)

15 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other
16 names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;

17 (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-
18 dimethoxy-a-methylphenethylamine; 2,5-DMA;

19 (3) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-
20 a-methylphenethylamine; paramethoxyamphetamine, PMA;

21 (4) 5-methoxy-3,4-methylenedioxy-amphetamine;

22 (5) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other
23 names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and

24 "STP";

25 (6) 3,4-methylenedioxy amphetamine;

26 (7) 3,4-methylenedioxymethamphetamine (MDMA);

27 (8) 3,4,5-trimethoxy amphetamine;

28 (9) Bufotenine: Some trade or other names: 3-(beta-
29 Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-
30 indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine;

1 mappine;

2 (10) Diethyltryptamine: Some trade or other names: N,N-
3 Diethyltryptamine; DET;

4 (11) Dimethyltryptamine: Some trade or other names: DMT;

5 (12) Ibogaine: Some trade or other names: 7-Ethyl-6,6
6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9methano-5H-pyndo
7 (1',2'1,2) azepino (5,4-b) indole; Tabernanthe iboga;

8 (13) Lysergic acid diethylamide;

9 (14) Marihuana;

10 (15) Mescaline;

11 (16) Parahexyl-7374: Some trade or other names: 3-Hexyl-1-
12 hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran;
13 synhexyl;

14 (17) Peyote, meaning all parts of the plant presently classified
15 botanically as Lophophora Williamsii Lemaire, whether growing or not,
16 the seeds thereof, any extract from any part of such plant, and every
17 compound, manufacture, salts, derivative, mixture, or preparation of
18 such plant, its seeds, or extracts; (interprets 21 U.S.C. Sec. 812 (c),
19 Schedule I (c)(12))

20 (18) N-ethyl-3-piperidyl benzilate;

21 (19) N-methyl-3-piperidyl benzilate;

22 (20) Psilocybin;

23 (21) Psilocyn;

24 (22) Tetrahydrocannabinols, synthetic equivalents of the
25 substances contained in the plant, or in the resinous extractives of
26 Cannabis, species, and/or synthetic substances, derivatives, and
27 their isomers with similar chemical structure and pharmacological
28 activity such as the following:

29 (i) Delta 1 - cis - or trans tetrahydrocannabinol, and their
30 optical isomers, excluding tetrahydrocannabinol in sesame oil and

1 encapsulated in a soft gelatin capsule in a drug product approved by
2 the United States Food and Drug Administration;

3 (ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their
4 optical isomers;

5 (iii) Delta 3,4 - cis - or trans tetrahydrocannabinol, and its
6 optical isomers;

7 (Since nomenclature of these substances is not internationally
8 standardized, compounds of these structures, regardless of numerical
9 designation of atomic positions covered.)

10 (23) Ethylamine analog of phencyclidine: Some trade or other
11 names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)
12 ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;

13 (24) Pyrrolidine analog of phencyclidine: Some trade or other
14 names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

15 (25) Thiophene analog of phencyclidine: Some trade or other
16 names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienyl analog of
17 phencyclidine; TPCP; TCP;

18 (26) 3,4-methylenedioxy-N-ethylamphetamine: Some trade or other
19 names are N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-
20 ethyl MDA, MDE, MDEA;

21 (27) N-hydroxy-3,4-methylenedioxyamphetamine: Some trade or other
22 names are N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and
23 N-hydroxy MDA;

24 (28) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine: A trade or other name
25 is TCPy.

26 (d) Depressants. Unless specifically excepted or unless listed
27 in another schedule, any material, compound, mixture, or preparation
28 which contains any quantity of the following substances having a
29 depressant effect on the central nervous system, including its salts,
30 isomers, and salts of isomers whenever the existence of such salts,

1 isomers, and salts of isomers is possible within the specific chemical
2 designation.

3 (1) Mecloqualone.

4 (2) Methaqualone.

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

10 (1) Fenethylamine;

11 (2) N-ethylamphetamine;

12 (3) 4-methylaminorex;

13 (4) N,N-dimethylamphetamine.

14 The controlled substances in this section may be rescheduled or
15 deleted as provided for in RCW 69.50.201.

16 **Sec. 4.** RCW 69.50.205 and 1971 ex.s. c 308 s 69.50.205 are each
17 amended to read as follows:

18 SCHEDULE II TESTS. (a) The state board of pharmacy shall place
19 a substance in Schedule II ((if it finds)) upon finding that:

20 (1) the substance has high potential for abuse;

21 (2) the substance has currently accepted medical use in treatment
22 in the United States, or currently accepted medical use with severe
23 restrictions; and

24 (3) the abuse of the substance may lead to severe ((psychic))
25 psychological or physical dependence.

26 (b) The state board of pharmacy may place a substance in Schedule
27 II without making the findings required by subsection (a) of this
28 section if the substance is controlled under Schedule II of the federal

1 Controlled Substances Act by a federal agency as the result of an
2 international treaty, convention, or protocol.

3 **Sec. 5.** RCW 69.50.206 and 1986 c 124 s 4 are each amended to read
4 as follows:

5 SCHEDULE II. (a) The drugs and other substances listed in this
6 section, by whatever official name, common or usual name, chemical
7 name, or brand name designated, are included in Schedule II.

8 (b) Substances. (Vegetable origin or chemical synthesis.) Unless
9 specifically excepted, any of the following substances, except those
10 listed in other schedules, whether produced directly or indirectly by
11 extraction from substances of vegetable origin, or independently by
12 means of chemical synthesis, or by combination of extraction and
13 chemical synthesis:

14 (1) Opium and opiate, and any salt, compound, derivative, or
15 preparation of opium or opiate, excluding apomorphine, dextrorphan,
16 nalbuphine, naloxone, and naltrexone, and their respective salts, but
17 including the following:

- 18 (i) Raw opium;
- 19 (ii) Opium extracts;
- 20 (iii) Opium fluid (~~(extracts)~~);
- 21 (iv) Powdered opium;
- 22 (v) Granulated opium;
- 23 (vi) Tincture of opium;
- 24 (vii) Codeine;
- 25 (viii) Ethylmorphine;
- 26 (ix) Etorphine hydrochloride;
- 27 (x) Hydrocodone;
- 28 (xi) Hydromorphone;
- 29 (xii) Metopon;

- 1 (xiii) Morphine;
- 2 (xiv) Oxycodone;
- 3 (xv) Oxymorphone; and
- 4 (xvi) Thebaine.

5 (2) Any salt, compound, isomer, derivative, or preparation thereof
6 which is chemically equivalent or identical with any of the substances
7 referred to in ~~((paragraph))~~ subsection (b)(1) of this section, but not
8 including the isoquinoline alkaloids of opium.

9 (3) Opium poppy and poppy straw.

10 (4) Coca leaves and any salt, compound, derivative, or preparation
11 of coca leaves, and any salt, compound, derivative, or preparation
12 thereof which is chemically equivalent or identical with any of these
13 substances, but not including decocainized coca leaves or extractions
14 which do not contain cocaine or ecgonine.

15 (5) Methylbenzoylecgonine (cocaine -- its salts, optical isomers,
16 and salts of optical isomers).

17 (6) Concentrate of poppy straw (The crude extract of poppy straw in
18 either liquid, solid, or powder form which contains the phenanthrine
19 alkaloids of the opium poppy.)

20 (c) Opiates. Unless specifically excepted or unless in another
21 schedule, any of the following opiates, including its isomers, esters,
22 ethers, salts, and salts of isomers, esters, and ethers, whenever the
23 existence of such isomers, esters, ethers, and salts is possible within
24 the specific chemical designation, dextrophan and levopropoxyphene
25 excepted:

26 (1) Alfentanil;

27 (2) Alphaprodine;

28 ~~((+2))~~ (3) Anileridine;

29 ~~((+3))~~ (4) Bezitramide;

30 ~~((+4))~~ (5) Bulk dextropropoxyphene (nondosage forms);

- 1 (6) Carfentanil;
- 2 ~~((+5))~~ (7) Dihydrocodeine;
- 3 ~~((+6))~~ (8) Diphenoxylate;
- 4 ~~((+7))~~ (9) Fentanyl;
- 5 ~~((+8))~~ (10) Isomethadone;
- 6 ~~((+9))~~ (11) Levomethorphan;
- 7 ~~((+10))~~ (12) Levorphanol;
- 8 ~~((+11))~~ (13) Metazocine;
- 9 ~~((+12))~~ (14) Methadone;
- 10 ~~((+13))~~ (15) Methadone--Intermediate, 4-cyano-2-dimethylamino-4,
11 4-diphenyl butane;
- 12 ~~((+14))~~ (16) Moramide--Intermediate, 2-methyl-3-morpholino-1, 1-
13 diphenylpropane-carboxylic acid;
- 14 ~~((+15))~~ (17) Pethidine (~~((meperidene))~~) (meperidine);
- 15 ~~((+16))~~ (18) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-
16 phenylpiperidine;
- 17 ~~((+17))~~ (19) Pethidine--Intermediate((-)-)-B, ethyl-4-
18 phenylpiperidine-4-carboxylate;
- 19 ~~((+18))~~ (20) Pethidine--Intermediate((-)-)-C, 1-methyl-4-
20 phenylpiperidine-4-carboxylic acid;
- 21 ~~((+19))~~ (21) Phenazocine;
- 22 ~~((+20))~~ (22) Piminodine;
- 23 ~~((+21))~~ (23) Racemethorphan;
- 24 ~~((+22))~~ (24) Racemorphan;
- 25 ~~((+23))~~ (25) Sufentanil.

26 (d) Stimulants. Unless specifically excepted or unless listed in
27 another schedule, any material, compound, mixture, or preparation which
28 contains any quantity of the following substances having a stimulant
29 effect on the central nervous system:

1 (1) Amphetamine, its salts, optical isomers, and salts of its
2 optical isomers;

3 (2) Methamphetamine, its salts, isomers, and salts of its isomers;

4 (3) Phenmetrazine and its salts;

5 (4) Methylphenidate.

6 (e) Depressants. Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or preparation which
8 contains any quantity of the following substances having a depressant
9 effect on the central nervous system, including its salts, isomers, and
10 salts of isomers whenever the existence of such salts, isomers, and
11 salts of isomers is possible within the specific chemical designation:

12 (1) Amobarbital;

13 (2) Glutethimide;

14 (3) Pentobarbital;

15 (~~(3)~~) (4) Phencyclidine;

16 (~~(4)~~) (5) Secobarbital.

17 (f) Immediate precursors. Unless specifically excepted or unless
18 listed in another schedule, any material, compound, mixture, or
19 preparation which contains any quantity of the following substances:

20 (1) Immediate precursor to amphetamine and methamphetamine:

21 (2) Phenylacetone: Some trade or other names phenyl-2-propanone,
22 P2P, benzyl methyl ketone, methyl benzyl ketone.

23 (3) Immediate precursors to phencyclidine (PCP):

24 (i) 1-phenylcyclohexylamine;

25 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

26 (g) Hallucinogenic substances.

27 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a
28 soft gelatin capsule in a United States Food and Drug Administration
29 approved drug product. (Some other names for dronabinol [6aR-trans]-
30 6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-

1 ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

2 (2) Nabilone: Some trade or other names are (+)-trans3-(1,1-
3 dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-
4 dibenzol[b,d]pyran-9-one].

5 The controlled substances in this section may be rescheduled or
6 deleted as provided for in RCW 69.50.201."

7 **Sec. 6.** RCW 69.50.207 and 1971 ex.s. c 308 s 69.50.207 are each
8 amended to read as follows:

9 SCHEDULE III TESTS. (a) The state board of pharmacy shall place
10 a substance in Schedule III (~~(if it finds)~~) upon finding that:

11 (1) the substance has a potential for abuse less than the
12 substances (~~(listed)~~) included in Schedules I and II;

13 (2) the substance has currently accepted medical use in treatment
14 in the United States; and

15 (3) abuse of the substance may lead to moderate or low physical
16 dependence or high psychological dependence.

17 (b) The state board of pharmacy may place a substance in Schedule
18 III without making the findings required by subsection (a) of this
19 section if the substance is controlled under Schedule III of the
20 federal Controlled Substances Act by a federal agency as the result of
21 an international treaty, convention, or protocol.

22 **Sec. 7.** RCW 69.50.208 and 1986 c 124 s 5 are each amended to read
23 as follows:

24 SCHEDULE III. (~~((a) The drugs and other substances listed in~~
25 ~~this section, by whatever official name, common or usual name, chemical~~
26 ~~name, or brand name designated, are included in Schedule III.~~

27 (b) ~~Stimulants. Unless specifically excepted or unless listed in~~
28 ~~another schedule,)) Unless specifically excepted by state or federal~~

1 law or regulation or more specifically included in another schedule,
2 the following controlled substances are listed in Schedule III:

3 (a) Any material, compound, mixture, or preparation ((which
4 contains)) containing any quantity of the following substances having
5 a stimulant effect on the central nervous system, including ((its))
6 their salts, isomers ((~~whether optical, position, or geometric~~)), and
7 salts of ((such)) isomers whenever the existence of ((such)) those
8 salts, isomers, and salts of isomers is possible within the specific
9 chemical designation:

10 (1) Those compounds, mixtures, or preparations in dosage unit form
11 containing any stimulant substances listed in Schedule II which
12 compounds, mixtures, or preparations are referred to as excepted
13 compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of
14 April 1, ((1985)) 1984, and any other drug of the quantitative
15 composition shown in that list for those drugs or which is the same
16 except that it contains a lesser quantity of controlled substances;

17 (2) Benzphetamine;

18 (3) Chlorphentermine;

19 (4) Clortermine;

20 (5) Phendimetrazine.

21 ((+e)) (b) Depressants. Unless specifically excepted or unless
22 listed in another schedule, any material, compound, mixture, or
23 preparation which contains any quantity of the following substances
24 having a depressant effect on the central nervous system:

25 (1) Any compound, mixture, or preparation containing:

26 (i) Amobarbital;

27 (ii) Secobarbital;

28 (iii) Pentobarbital;

29 or any salt thereof and one or more other active medicinal ingredients
30 which are not listed in any schedule;

1 (2) Any suppository dosage form containing:
2 (i) Amobarbital;
3 (ii) Secobarbital;
4 (iii) Pentobarbital;
5 or any salt of any of these drugs and approved by the Food and Drug
6 Administration for marketing only as a suppository;
7 (3) Any substance which contains any quantity of a derivative of
8 barbituric acid, or any salt of a derivative of barbituric acid;
9 (4) Chlorhexadol;
10 (5) (~~Glutethimide~~;
11 ~~6~~) Lysergic acid;
12 (~~7~~) (6) Lysergic acid amide;
13 (~~8~~) (7) Methyprylon;
14 (~~9~~) (8) Sulfondiethylmethane;
15 (~~10~~) (9) Sulfonethylmethane;
16 (~~11~~) (10) Sulfonmethane;
17 (11) Tiletamine and zolazepam or any of their salts--some trade or
18 other names for a tiletamine-zolazepam combination product: Telazol
19 some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)
20 cyclohexanone--some trade or other names for zolazepam: 4-(2-
21 fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4] diazepin
22 7(1H)-one flupyrazapon.).
23 (~~d~~) (c) Nalorphine.
24 (d) Anabolic steroids. The term "anabolic steroid" means any
25 drug or hormonal substance, chemically and pharmacologically related
26 to testosterone (other than estrogens, progestins, and corticosteroids)
27 that promotes muscle growth, and includes:
28 (1) Boldenone;
29 (2) Chlorotestosterone;
30 (3) Clostebol;

- 1 (4) Dehydrochlormethyltestosterone;
- 2 (5) Dihydrotestosterone;
- 3 (6) Drostanolone;
- 4 (7) Ethylestrenol;
- 5 (8) Fluoxymesterone;
- 6 (9) Formebolone;
- 7 (10) Mesterolone;
- 8 (11) Methandienone;
- 9 (12) Methandranone;
- 10 (13) Methandriol;
- 11 (14) Methandrostenolone;
- 12 (15) Methenolone;
- 13 (16) Methyltestosterone;
- 14 (17) Mibolerone;
- 15 (18) Nanrolone;
- 16 (19) Norethandrolone;
- 17 (20) Oxandrolone;
- 18 (21) Oxymesterone;
- 19 (22) Oxymetholone;
- 20 (23) Stanolone;
- 21 (24) Stanozolol;
- 22 (25) Testolactone;
- 23 (26) Testosterone;
- 24 (27) Trenbolone; and
- 25 (28) Any salt, ester, or isomer of a drug or substance described or
- 26 listed in this subsection, if that salt, ester, or isomer promotes
- 27 muscle growth. Except such term does not include an anabolic steroid
- 28 which is expressly intended for administration through implants to
- 29 cattle or other nonhuman species and which has been approved by the
- 30 secretary of health and human services for such administration. If

1 any person prescribes, dispenses, or distributes such steroid for
2 human use such person shall be considered to have prescribed,
3 dispensed, or distributed an anabolic steroid within the meaning of
4 this subsection.

5 (e) Narcotic drugs. Unless specifically excepted or unless listed
6 in another schedule, any material, compound, mixture, or preparation
7 containing limited quantities of any of the following narcotic drugs,
8 or any salts thereof calculated as the free anhydrous base or alkaloid,
9 in limited quantities as set forth in (~~paragraph (e) of this section~~)
10 this subsection:

11 (1) Not more than 1.8 grams of codeine per 100 milliliters or not
12 more than 90 milligrams per dosage unit, with an equal or greater
13 quantity of an isoquinoline alkaloid of opium;

14 (2) Not more than 1.8 grams of codeine per 100 milliliters or not
15 more than 90 milligrams per dosage unit, with one or more active,
16 nonnarcotic ingredients in recognized therapeutic amounts;

17 (3) Not more than 300 milligrams of dihydrocodeinone per 100
18 milliliters or not more than 15 milligrams per dosage unit, with a
19 fourfold or greater quantity of an isoquinoline alkaloid of opium;

20 (4) Not more than 300 milligrams of dihydrocodeinone per 100
21 milliliters or not more than 15 milligrams per dosage unit, with one or
22 more active, nonnarcotic ingredients in recognized therapeutic amounts;

23 (5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters
24 or not more than 90 milligrams per dosage unit, with one or more
25 active, nonnarcotic ingredients in recognized therapeutic amounts;

26 (6) Not more than 300 milligrams of ethylmorphine per 100
27 milliliters or not more than 15 milligrams per dosage unit, with one or
28 more active, nonnarcotic ingredients in recognized therapeutic amounts;

29 (7) Not more than 500 milligrams of opium per 100 milliliters or
30 per 100 grams, or not more than 25 milligrams per dosage unit, with one

1 or more active, nonnarcotic ingredients in recognized therapeutic
2 amounts;

3 (8) Not more than 50 milligrams of morphine per 100 milliliters or
4 per 100 grams with one or more active, nonnarcotic ingredients in
5 recognized therapeutic amounts.

6 The state board of pharmacy may except by rule any compound,
7 mixture, or preparation containing any stimulant or depressant
8 substance listed in subsections (a)(1) and (2) of this section from the
9 application of all or any part of this chapter if the compound,
10 mixture, or preparation contains one or more active medicinal
11 ingredients not having a stimulant or depressant effect on the central
12 nervous system, and if the admixtures are in combinations, quantity,
13 proportion, or concentration that vitiate the potential for abuse of
14 the substances having a stimulant or depressant effect on the central
15 nervous system.

16 The controlled substances listed in this section may be rescheduled
17 or deleted as provided for in RCW 69.50.201.

18 **Sec. 8.** RCW 69.50.209 and 1971 ex.s. c 308 s 69.50.209 are each
19 amended to read as follows:

20 SCHEDULE IV TESTS. (a) The state board of pharmacy shall place
21 a substance in Schedule IV (~~(if it finds)~~) upon finding that:

22 (1) the substance has a low potential for abuse relative to
23 substances in Schedule III;

24 (2) the substance has currently accepted medical use in treatment
25 in the United States; and

26 (3) abuse of the substance may lead to limited physical dependence
27 or psychological dependence relative to the substances included in
28 Schedule III.

1 (b) The state board of pharmacy may place a substance in Schedule
2 IV without making the findings required by subsection (a) of this
3 section if the substance is controlled under Schedule IV of the federal
4 Controlled Substances Act by a federal agency as the result of an
5 international treaty, convention, or protocol.

6 **Sec. 9.** RCW 69.50.210 and 1986 c 124 s 6 are each amended to read
7 as follows:

8 SCHEDULE IV. ~~((a) The drugs and other substances listed in~~
9 ~~this section, by whatever official name, common or usual name, chemical~~
10 ~~name, or brand name designated, are included in Schedule IV.~~

11 ~~(b) Narcotic drugs. Unless specifically excepted or unless listed~~
12 ~~in another schedule,))~~ Unless specifically excepted by state or federal
13 law or regulation or more specifically included in another schedule,
14 the following controlled substances are listed in Schedule IV:

15 (a) Any material, compound, mixture, or preparation containing any
16 of the following narcotic drugs, or their salts calculated as the free
17 anhydrous base or alkaloid, in limited quantities as set forth below:

18 (1) Not more than 1 milligram of difenoxin and not less than 25
19 micrograms of atropine sulfate per dosage unit.

20 (2) Dextropropoxyphene (alpha-(+)-e-dimethylamino-1,2-diphenyl-3-
21 methyl-2 propionoxybutane).

22 ~~((e))~~ (b) Depressants. Unless specifically excepted or unless
23 listed in another schedule, any material, compound, mixture, or
24 preparation ~~((which contains))~~ containing any quantity of the following
25 substances having a depressant effect on the central nervous system,
26 including ~~((its))~~ their salts, isomers, and salts of isomers whenever
27 the existence of ~~((such))~~ those salts, isomers, and salts of isomers is
28 possible within the specific chemical designation:

29 ~~((1) Alprazolam;~~

- 1 ~~(2) Barbital*i*~~
- 2 ~~(3) Chloral betaine*i*~~
- 3 ~~(4) Chloral hydrate*i*~~
- 4 ~~(5) Chlordiazepoxide*i*~~
- 5 ~~(6) Clonazepam*i*~~
- 6 ~~(7) Clorazepate*i*~~
- 7 ~~(8) Diazepam*i*~~
- 8 ~~(9) Ethchlorvynol*i*~~
- 9 ~~(10) Ethinamate*i*~~
- 10 ~~(11) Flurazepam*i*~~
- 11 ~~(12) Halazepam*i*~~
- 12 ~~(13) Lorazepam*i*~~
- 13 ~~(14) Mebutamate*i*~~
- 14 ~~(15) Meproamate*i*~~
- 15 ~~(16) Methohexital*i*~~
- 16 ~~(17) Methylphenobarbital (mephobarbital)*i*~~
- 17 ~~(18) Oxazepam*i*~~
- 18 ~~(19) Paraldehyde*i*~~
- 19 ~~(20) Petrichloral*i*~~
- 20 ~~(21) Phenobarbital*i*~~
- 21 ~~(22) Prazepam*i*~~
- 22 ~~(23) Temazepam*i*~~
- 23 ~~(24) Triazolam.~~
- 24 ~~(d) Fenfluramine.)~~
- 25 (1) Alprazolam*i*
- 26 (2) Barbital*i*
- 27 (3) Bromazepam*i*
- 28 (4) Camazepam*i*
- 29 (5) Chloral betaine*i*
- 30 (6) Chloral hydrate*i*

- 1 (7) Chlordiazepoxide;
- 2 (8) Clobazam;
- 3 (9) Clonazepam;
- 4 (10) Clorazepate;
- 5 (11) Clotiazepam;
- 6 (12) Cloxazolam;
- 7 (13) Delorazepam;
- 8 (14) Diazepam;
- 9 (15) Estazolam;
- 10 (16) Ethchlorvynol;
- 11 (17) Ethinamate;
- 12 (18) Ethyl loflazepate;
- 13 (19) Fludiazepam;
- 14 (20) Flunitrazepam;
- 15 (21) Flurazepam;
- 16 (22) Halazepam;
- 17 (23) Haloxazolam;
- 18 (24) Ketazolam;
- 19 (25) Loprazolam;
- 20 (26) Lorazepam;
- 21 (27) Lormetazepam;
- 22 (28) Mebutamate;
- 23 (29) Medazepam;
- 24 (30) Meprobamate;
- 25 (31) Methohexital;
- 26 (32) Methylphenobarbital (mephobarbital);
- 27 (33) Midazolam;
- 28 (34) Nimetazepam;
- 29 (35) Nitrazepam;
- 30 (36) Nordiazepam;

- 1 (37) Oxazepam;
- 2 (38) Oxazolam;
- 3 (39) Paraldehyde;
- 4 (40) Petrichloral;
- 5 (41) Phenobarbital;
- 6 (42) Pinazepam;
- 7 (43) Prazepam;
- 8 (44) Quazepam;
- 9 (45) Temazepam;
- 10 (46) Tetrazepam;
- 11 (47) Triazolam.

12 (c) Any material, compound, mixture, or preparation (~~which~~
13 ~~contains~~) containing any quantity of the following substance(~~s~~),
14 including its salts, isomers (~~(whether optical, position, or~~
15 ~~geometric)~~), and salts of such isomers, whenever the existence of such
16 salts, isomers, and salts of isomers is possible(~~(-)~~):

17 ~~((1))~~ Fenfluramine.

18 ~~((e))~~ (d) Stimulants. Unless specifically excepted or unless
19 listed in another schedule, any material, compound, mixture, or
20 preparation (~~which contains~~) containing any quantity of the following
21 substances having a stimulant effect on the central nervous system,
22 including ~~((its))~~ their salts, isomers (~~(whether optical, position, or~~
23 ~~geometric)~~), and salts of ~~((such))~~ isomers (~~(whenever the existence of~~
24 ~~such salts, isomers, and salts of isomers is possible within the~~
25 ~~specific chemical designation)~~):

- 26 (1) Cathine;
- 27 (2) Diethylpropion;
- 28 ~~((2))~~ (3) Fencamfamin;
- 29 (4) Fenproporex;
- 30 (5) Mazindol;

1 ~~((3))~~ (6) Mefenorex;
2 (7) Pemoline (including organometallic complexes and chelates
3 thereof);
4 ~~((4))~~ (8) Phentermine;
5 ~~((5))~~ (9) Pipradrol;
6 ~~((6))~~ (10) SPA (~~(-)~~-1-dimethylamino-1, 2-dephenylethane).

7 ~~((f))~~ (e) Other substances. Unless specifically excepted or
8 unless listed in another schedule, any material, compound, mixture, or
9 preparation (~~which contains~~) containing any quantity of the following
10 substance(~~s~~), including its salts: (1) Pentazocine.

11 The state board of pharmacy may except by rule any compound,
12 mixture, or preparation containing any depressant substance listed in
13 subsection (b) of this section from the application of all or any part
14 of this chapter if the compound, mixture, or preparation contains one
15 or more active medicinal ingredients not having a depressant effect on
16 the central nervous system, and if the admixtures are in combinations,
17 quantity, proportion, or concentration that vitiate the potential for
18 abuse of the substances having a depressant effect on the central
19 nervous system.

20 The controlled substances listed in this section may be rescheduled
21 or deleted as provided for in RCW 69.50.201.

22 **Sec. 10.** RCW 69.50.211 and 1971 ex.s. c 308 s 69.50.211 are each
23 amended to read as follows:

24 SCHEDULE V TESTS. (a) The state board of pharmacy shall place
25 a substance in Schedule V (~~if it finds~~) upon finding that:

26 (1) the substance has low potential for abuse relative to the
27 controlled substances (~~listed~~) included in Schedule IV;

28 (2) the substance has currently accepted medical use in treatment
29 in the United States; and

1 (3) abuse of the substance ((has)) may lead to limited physical
2 dependence or psychological dependence ((liability)) relative to the
3 ((controlled)) substances ((listed)) included in Schedule IV.

4 (b) The state board of pharmacy may place a substance in Schedule
5 V without being required to make the findings required by subsection
6 (a) of this section if the substance is controlled under Schedule V of
7 the federal Controlled Substances Act by a federal agency as the result
8 of an international treaty, convention, or protocol.

9 **Sec. 11.** RCW 69.50.212 and 1986 c 124 s 7 are each amended to read
10 as follows:

11 SCHEDULE V. ~~((a) The drugs and other substances listed in~~
12 ~~this section, by whatever official name, common or usual name, chemical~~
13 ~~name, or brand name designated, are included in Schedule V.~~

14 ~~(b) Narcotic drugs containing nonnarcotic active medicinal~~
15 ~~ingredients.)) Unless specifically excepted by state or federal law or~~
16 regulation or more specifically included in another schedule, the
17 following controlled substances are listed in Schedule V:

18 (a) Any material, compound, mixture, or preparation containing any
19 of the following narcotic drug and its salts: Buprenorphine.

20 (b) Any compound, mixture, or preparation containing any of the
21 following narcotic drugs, or their salts calculated as the free
22 anhydrous base or alkaloid, in limited quantities as set forth in this
23 ((section)) subsection, which ((shall include)) also contains one or
24 more nonnarcotic active medicinal ingredients in sufficient proportion
25 to confer upon the compound, mixture, or preparation, valuable
26 medicinal qualities other than those possessed by the narcotic drug
27 alone:

28 (1) Not more than 200 milligrams of codeine per 100 milliliters or
29 per 100 grams;

1 (2) Not more than 100 milligrams of dihydrocodeine per 100
2 milliliters or per 100 grams;

3 (3) Not more than 100 milligrams of ethylmorphine per 100
4 milliliters or per 100 grams;

5 (4) Not more than 2.5 milligrams of diphenoxylate and not less than
6 25 micrograms of atropine sulfate per dosage unit;

7 (5) Not more than 100 milligrams of opium per 100 milliliters or
8 per 100 grams;

9 (6) Not more than 0.5 milligrams of difenoxin and not less than 25
10 micrograms of atropine sulfate per dosage unit((+)

11 ~~(c) Buprenorphine~~)).

12 (c) Any material, compound, mixture, or preparation containing any
13 quantity of the following substances having a stimulant effect on the
14 central nervous system, including their salts, isomers, and salts of
15 isomers:

16 Pyrovalerone.

17 The controlled substances listed in this section may be rescheduled
18 or deleted as provided for in RCW 69.50.201.

19 **Sec. 12.** RCW 69.50.213 and 1971 ex.s. c 308 s 69.50.213 are each
20 amended to read as follows:

21 REPUBLISHING OF SCHEDULES. The state board of pharmacy shall
22 ~~((at least semiannually for two years from May 21, 1971 and thereafter~~
23 ~~annually consider the revision of the schedules published pursuant to~~
24 ~~chapter 34.05 RCW)) publish updated schedules annually. Failure to
25 publish updated schedules is not a defense in any administrative or
26 judicial proceeding under this chapter.~~

27 NEW SECTION. **Sec. 13.** A new section is added to chapter 69.50 RCW
28 to read as follows:

1 CONTROLLED SUBSTANCE ANALOG TREATED AS SCHEDULE I SUBSTANCE. A
2 controlled substance analog, to the extent intended for human
3 consumption, shall be treated, for the purposes of this chapter, as a
4 substance included in Schedule I. Within thirty days after the
5 initiation of prosecution with respect to a controlled substance analog
6 by indictment or information, the prosecuting attorney shall notify the
7 state board of pharmacy of information relevant to emergency scheduling
8 as provided for in RCW 69.50.201(f). After final determination that
9 the controlled substance analog should not be scheduled, no prosecution
10 relating to that substance as a controlled substance analog may
11 continue or take place.