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SENATE BILL 6191

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State of Washington                      52nd Legislature                      1992 Regular Session

By Senators West, Vognild, Sellar, Murray and L. Smith

Read first time 01/21/92. Referred to Committee on Health & Long-Term Care.

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-methylfentanil (N);

20        (2) Acetylmethadol;

21        (~~((2) Alfentanil;))~~

22        (3) Allylprodine;

23        (4) Alphacetylmethadol;

24        (5) Alphameprodine;

25        (6) Alphamethadol;

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

29        (8) Benzethidine;

- 1 (9) Betacetylmethadol;
- 2 (10) Betameprodine;
- 3 (11) Betamethadol;
- 4 (12) Betaprodine;
- 5 (13) Clonitazene;
- 6 (14) Dextromoramide;
- 7 (15) Diampromide;
- 8 (16) Diethylthiambutene;
- 9 (17) Difenoxin;
- 10 (18) Dimenoxadol;
- 11 (19) Dimepheptanol;
- 12 (20) Dimethylthiambutene;
- 13 (21) Dioxaphetyl butyrate;
- 14 (22) Dipipanone;
- 15 (23) Ethylmethylthiambutene;
- 16 (24) Etonitazene;
- 17 (25) Etoxeridine;
- 18 (26) Furethidine;
- 19 (27) Hydroxypethidine;
- 20 (28) Ketobemidone;
- 21 (29) Levomoramide;
- 22 (30) Levophenacylmorphane;
- 23 (31) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-
- 24 N-phenylprop anamide);
- 25 (32) Morpheridine;
- 26 (~~(32)~~) (33) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 27 (34) Noracymethadol;
- 28 (~~(33)~~) (35) Norlevorphanol;
- 29 (~~(34)~~) (36) Normethadone;
- 30 (~~(35)~~) (37) Norpipanone;

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

13       ~~((c) Opium derivatives. Unless specifically excepted or unless~~  
14 ~~listed in another schedule,))~~

15       (b) Any of the following opium derivatives, including their salts,  
16 isomers, and salts of isomers((7)) whenever the existence of ((these))  
17 those salts, isomers, and salts of isomers is possible within the  
18 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((+))<sub>L</sub> 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) Hallucinogenic substances. Unless specifically excepted or~~  
13 ~~unless listed in another schedule,))~~

14 (c) Any material, compound, mixture, or preparation which contains  
15 any quantity of the following hallucinogenic substances, ~~((or which~~  
16 ~~contains any of its))~~ including their salts, isomers, and salts of  
17 isomers~~((,))~~ whenever the existence of ~~((such))~~ those salts, isomers,  
18 and salts of isomers is possible within the specific chemical  
19 designation ~~((For purposes of paragraph (d) of this section, only, the~~  
20 ~~term "isomer" includes the optical, 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-thenyl]-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, specifically, 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 dronabinol in sesame oil and encapsulated in

1 a soft gelatin capsule in a drug product approved by the United States  
2 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 (d) Depressants. Unless specifically excepted or unless listed  
19 in another schedule, any material, compound, mixture, or preparation  
20 which contains any quantity of mecloqualone having a depressant effect  
21 on the central nervous system, including its salts, isomers, and salts  
22 of isomers whenever the existence of such salts, isomers, and salts of  
23 isomers is possible within the specific chemical designation.

24 (1) Mecloqualone;

25 (2) Methaqualone.

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

- 1        (1) Fenethyline;
- 2        (2) N-ethylamphetamine;
- 3        (3) 4-methylaminorex;
- 4        (4) N,N-dimethylamphetamine.

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

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

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

- 11        (1) the substance has high potential for abuse;
- 12        (2) the substance has currently accepted medical use in treatment  
13 in the United States, or currently accepted medical use with severe  
14 restrictions; and
- 15        (3) the abuse of the substance may lead to severe ((~~psychic~~)  
16 psychological or physical dependence.

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

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

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

27        (b) Substances. (Vegetable origin or chemical synthesis.) Unless  
28 specifically excepted, any of the following substances, except those

1 listed in other schedules, whether produced directly or indirectly by  
2 extraction from substances of vegetable origin, or independently by  
3 means of chemical synthesis, or by combination of extraction and  
4 chemical synthesis:

5 (1) Opium and opiate, and any salt, compound, derivative, or  
6 preparation of opium or opiate, excluding apomorphine, dextrorphan,  
7 nalbuphine, naloxone, and naltrexone, and their respective salts, but  
8 including the following:

9 (i) Raw opium;

10 (ii) Opium extracts;

11 (iii) Opium fluid (~~(extracts)~~);

12 (iv) Powdered opium;

13 (v) Granulated opium;

14 (vi) Tincture of opium;

15 (vii) Codeine;

16 (viii) Ethylmorphine;

17 (ix) Etorphine hydrochloride;

18 (x) Hydrocodone;

19 (xi) Hydromorphone;

20 (xii) Metopon;

21 (xiii) Morphine;

22 (xiv) Oxycodone;

23 (xv) Oxymorphone; and

24 (xvi) Thebaine.

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

29 (3) Opium poppy and poppy straw.



1 (4) Coca leaves and any salt, compound, derivative, or preparation  
2 of coca leaves, and any salt, compound, derivative, or preparation  
3 thereof which is chemically equivalent or identical with any of these  
4 substances, but not including decocainized coca leaves or extractions  
5 which do not contain cocaine or ecgonine.

6 (5) Methylbenzoylecgonine (cocaine -- its salts, optical isomers,  
7 and salts of optical isomers).

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

11 (c) Opiates. Unless specifically excepted or unless in another  
12 schedule, any of the following opiates, including its isomers, esters,  
13 ethers, salts, and salts of isomers, esters, and ethers, whenever the  
14 existence of such isomers, esters, ethers, and salts is possible within  
15 the specific chemical designation, dextrophan and levopropoxyphene  
16 excepted:

17 (1) Alfentanil;

18 (2) Alphaprodine;

19 ~~((2))~~ (3) Anileridine;

20 ~~((3))~~ (4) Bezitramide;

21 ~~((4))~~ (5) Bulk dextropropoxyphene (nondosage forms);

22 (6) Carfentanil;

23 ~~((5))~~ (7) Dihydrocodeine;

24 ~~((6))~~ (8) Diphenoxylate;

25 ~~((7))~~ (9) Fentanyl;

26 ~~((8))~~ (10) Isomethadone;

27 ~~((9))~~ (11) Levomethorphan;

28 ~~((10))~~ (12) Levorphanol;

29 ~~((11))~~ (13) Metazocine;

30 ~~((12))~~ (14) Methadone;

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

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

- 21       (1) Amphetamine, its salts, optical isomers, and salts of its  
22 optical isomers;
- 23       (2) Methamphetamine, its salts, isomers, and salts of its isomers;
- 24       (3) Phenmetrazine and its salts;
- 25       (4) Methylphenidate.

26       (e) Depressants. 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 depressant  
29 effect on the central nervous system, including its salts, isomers, and

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

3 (1) Amobarbital;

4 (2) Glutethimide;

5 (3) Pentobarbital;

6 ~~((3))~~ (4) Phencyclidine;

7 ~~((4))~~ (5) Secobarbital.

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

11 (1) Immediate precursor to amphetamine and methamphetamine:

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

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

15 (i) 1-phenylcyclohexylamine;

16 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

17 (g) Hallucinogenic substances.

18 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a  
19 soft gelatin capsule in a United States Food and Drug Administration  
20 approved drug product. (Some other names for dronabinol [6aR-trans]-  
21 6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-  
22 ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

23 (2) Nabilone.

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

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

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

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

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

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

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

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

15 ~~(b) Stimulants. Unless specifically excepted or unless listed in~~  
16 ~~another schedule,)) Unless specifically excepted by state or federal~~  
17 ~~law or regulation or more specifically included in another schedule,~~  
18 ~~the following controlled substances are listed in Schedule III:~~

19 (a) Any material, compound, mixture, or preparation ((which  
20 contains)) containing any quantity of the following substances having  
21 a stimulant effect on the central nervous system, including ((its))  
22 their salts, isomers ((whether optical, position, or geometric)), and  
23 salts of ((such)) isomers whenever the existence of ((such)) those  
24 salts, isomers, and salts of isomers is possible within the specific  
25 chemical designation:

26 (1) Those compounds, mixtures, or preparations in dosage unit form  
27 containing any stimulant substances listed in Schedule II which  
28 compounds, mixtures, or preparations are referred to as excepted  
29 compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of

1 April 1, (~~(1985)~~) 1984, and any other drug of the quantitative  
2 composition shown in that list for those drugs or which is the same  
3 except that it contains a lesser quantity of controlled substances;

4 (2) Benzphetamine;

5 (3) Chlorphentermine;

6 (4) Clortermine;

7 (5) Phendimetrazine.

8 (~~(e)~~) (b) Depressants. Unless specifically excepted or unless  
9 listed in another schedule, any material, compound, mixture, or  
10 preparation which contains any quantity of the following substances  
11 having a depressant effect on the central nervous system:

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

13 (i) Amobarbital;

14 (ii) Secobarbital;

15 (iii) Pentobarbital;

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

18 (2) Any suppository dosage form containing:

19 (i) Amobarbital;

20 (ii) Secobarbital;

21 (iii) Pentobarbital;

22 or any salt of any of these drugs and approved by the Food and Drug  
23 Administration for marketing only as a suppository;

24 (3) Any substance which contains any quantity of a derivative of  
25 barbituric acid, or any salt of a derivative of barbituric acid;

26 (4) Chlorhexadol;

27 (5) (~~Glutethimide;~~

28 ~~(6)~~) Lysergic acid;

29 (~~(7)~~) (6) Lysergic acid amide;

30 (~~(8)~~) (7) Methyprylon;

1        ~~((9))~~ (8) Sulfondiethylmethane;  
2        ~~((10))~~ (9) Sulfonethylmethane;  
3        ~~((11))~~ (10) Sulfonmethane;  
4        (11) Tiletamine and zolazepam or any of their salts--some trade or  
5 other names for a tiletamine-zolazepam combination product: Telazol  
6 some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)  
7 cyclohexanone--some trade or other names for zolazepam: 4-(2-  
8 fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4] diazepin  
9 7(1H)-one fluprazapon.).  
10        ~~((d))~~ (c) Nalorphine.  
11        (d) Anabolic steroids. The term "anabolic steroid" means any  
12 drug or hormonal substance, chemically and pharmacologically related  
13 to testosterone (other than estrogens, progestins, and corticosteroids)  
14 that promotes muscle growth, and includes:  
15        (1) Boldenone;  
16        (2) Chlorotestosterone;  
17        (3) Clostebol;  
18        (4) Dehydrochlormethyltestosterone;  
19        (5) Dihydrotestosterone;  
20        (6) Drostanolone;  
21        (7) Ethylestrenol;  
22        (8) Fluoxymesterone;  
23        (9) Formebolone;  
24        (10) Mesterolone;  
25        (11) Methandienone;  
26        (12) Methandranone;  
27        (13) Methandriol;  
28        (14) Methandrostenolone;  
29        (15) Methenolone;  
30        (16) Methyltestosterone;

1        (17) Mibolerone;  
2        (18) Nanrolone;  
3        (19) Norethandrolone;  
4        (20) Oxandrolone;  
5        (21) Oxymesterone;  
6        (22) Oxymetholone;  
7        (23) Stanolone;  
8        (24) Stanozolol;  
9        (25) Testolactone;  
10       (26) Testosterone;  
11       (27) Trenbolone; and  
12       (28) Any salt, ester, or isomer of a drug or substance described or  
13 listed in this subsection, if that salt, ester, or isomer promotes  
14 muscle growth. Except such term does not include an anabolic steroid  
15 which is expressly intended for administration through implants to  
16 cattle or other nonhuman species and which has been approved by the  
17 secretary of health and human services for such administration. If  
18 any person prescribes, dispenses, or distributes such steroid for  
19 human use such person shall be considered to have prescribed,  
20 dispensed, or distributed an anabolic steroid within the meaning of  
21 this subsection.

22        (e) Narcotic drugs. Unless specifically excepted or unless listed  
23 in another schedule, any material, compound, mixture, or preparation  
24 containing limited quantities of any of the following narcotic drugs,  
25 or any salts thereof calculated as the free anhydrous base or alkaloid,  
26 in limited quantities as set forth in (~~paragraph (e) of this section~~)  
27 this subsection:

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

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

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

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

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

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

16 (7) Not more than 500 milligrams of opium per 100 milliliters or  
17 per 100 grams, or not more than 25 milligrams per dosage unit, with one  
18 or more active, nonnarcotic ingredients in recognized therapeutic  
19 amounts;

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

23 The state board of pharmacy may except by rule any compound,  
24 mixture, or preparation containing any stimulant or depressant  
25 substance listed in subsections (a)(1) and (2) of this section from the  
26 application of all or any part of this chapter if the compound,  
27 mixture, or preparation contains one or more active medicinal  
28 ingredients not having a stimulant or depressant effect on the central  
29 nervous system, and if the admixtures are in combinations, quantity,  
30 proportion, or concentration that vitiate the potential for abuse of



1 the substances having a stimulant or depressant effect on the central  
2 nervous system.

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

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

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

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

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

13 (3) abuse of the substance may lead to limited physical dependence  
14 or psychological dependence relative to the substances included in  
15 Schedule III.

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

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

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

26 (b) ~~Narcotic drugs. Unless specifically excepted or unless listed~~  
27 ~~in 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 IV:

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

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

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

10 (~~((c) Depressants.—Unless specifically excepted or unless listed~~  
11 ~~in another schedule,~~) (b) Any material, compound, mixture, or  
12 preparation ((which contains)) containing any quantity of the following  
13 substances having a depressant effect on the central nervous system,  
14 including ((its)) their salts, isomers, and salts of isomers whenever  
15 the existence of ((such)) those salts, isomers, and salts of isomers is  
16 possible within the specific chemical designation:

17 (~~((1) Alprazolam;~~

18 ~~(2) Barbital;~~

19 ~~(3) Chloral betaine;~~

20 ~~(4) Chloral hydrate;~~

21 ~~(5) Chlordiazepoxide;~~

22 ~~(6) Clonazepam;~~

23 ~~(7) Clorazepate;~~

24 ~~(8) Diazepam;~~

25 ~~(9) Ethchlorvynol;~~

26 ~~(10) Ethinamate;~~

27 ~~(11) Flurazepam;~~

28 ~~(12) Halazepam;~~

29 ~~(13) Lorazepam;~~

30 ~~(14) Mebutamate;~~

- 1        ~~(15) Meprobamate;~~
- 2        ~~(16) Methohexital;~~
- 3        ~~(17) Methylphenobarbital (mephobarbital);~~
- 4        ~~(18) Oxazepam;~~
- 5        ~~(19) Paraldehyde;~~
- 6        ~~(20) Petrichloral;~~
- 7        ~~(21) Phenobarbital;~~
- 8        ~~(22) Prazepam;~~
- 9        ~~(23) Temazepam;~~
- 10       ~~(24) Triazolam.~~
- 11       ~~(d) Fenfluramine.)~~
- 12       (1) Alprazolam;
- 13       (2) Barbital;
- 14       (3) Bromazepam;
- 15       (4) Carmazepam;
- 16       (5) Chloral betaine;
- 17       (6) Chloral hydrate;
- 18       (7) Chlordiazepoxide;
- 19       (8) Clobazam;
- 20       (9) Clonazepam;
- 21       (10) Clorazepate;
- 22       (11) Clotiazepam;
- 23       (12) Cloxazolam;
- 24       (13) Delorazepam;
- 25       (14) Diazepam;
- 26       (15) Estazolam;
- 27       (16) Ethchlorvynol;
- 28       (17) Ethinamate;
- 29       (18) Ethyl loflazepate;
- 30       (19) Fludiazepam;

- 1        (20) Flunitrazepam;
- 2        (21) Flurazepam;
- 3        (22) Halazepam;
- 4        (23) Haloxazolam;
- 5        (24) Ketazolam;
- 6        (25) Loprazolam;
- 7        (26) Lorazepam;
- 8        (27) Lormetazepam;
- 9        (28) Mebutamate;
- 10       (29) Medazepam;
- 11       (30) Meproamate;
- 12       (31) Methohexital;
- 13       (32) Methylphenobarbital (mephobarbital);
- 14       (33) Midazolam;
- 15       (34) Nimetazepam;
- 16       (35) Nitrazepam;
- 17       (36) Nordiazepam;
- 18       (37) Oxazepam;
- 19       (38) Oxazolam;
- 20       (39) Paraldehyde;
- 21       (40) Petrichloral;
- 22       (41) Phenobarbital;
- 23       (42) Pinazepam;
- 24       (43) Prazepam;
- 25       (44) Quazepam;
- 26       (45) Temazepam;
- 27       (46) Tetrazepam;
- 28       (47) Triazolam.

29       (c) Any material, compound, mixture, or preparation ((which  
30 contains)) containing any quantity of the following substance((s)),

1 including its salts, isomers (~~((whether optical, position, or~~  
2 ~~geometric))~~), and salts of such isomers, whenever the existence of such  
3 salts, isomers, and salts of isomers is possible(~~(-)~~):

4 ~~((1))~~ Fenfluramine.

5 ~~((e) Stimulants. Unless specifically excepted or unless listed in~~  
6 ~~another schedule,))~~ (d) Any material, compound, mixture, or preparation  
7 ~~((which contains))~~ containing any quantity of the following substances  
8 having a stimulant effect on the central nervous system, including  
9 ~~((its))~~ their salts, isomers (~~((whether optical, position, or~~  
10 ~~geometric))~~), and salts of ~~((such))~~ isomers (~~((whenever the existence of~~  
11 ~~such salts, isomers, and salts of isomers is possible within the~~  
12 ~~specific chemical designation))~~):

13 (1) Cathine;

14 (2) Diethylpropion;

15 ~~((2))~~ (3) Fencamfamin;

16 (4) Fenproporex;

17 (5) Mazindol;

18 ~~((3))~~ (6) Mefenorex;

19 (7) Pemoline (including organometallic complexes and chelates  
20 thereof);

21 ~~((4))~~ (8) Phentermine;

22 ~~((5))~~ (9) Pipradrol;

23 ~~((6))~~ (10) SPA (~~(-)~~-1-dimethylamino-1, 2-dephenylethane).

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

28 The state board of pharmacy may except by rule any compound,  
29 mixture, or preparation containing any depressant substance listed in  
30 subsection (b) of this section from the application of all or any part

1 of this chapter if the compound, mixture, or preparation contains one  
2 or more active medicinal ingredients not having a depressant effect on  
3 the central nervous system, and if the admixtures are in combinations,  
4 quantity, proportion, or concentration that vitiate the potential for  
5 abuse of the substances having a depressant effect on the central  
6 nervous system.

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

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

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

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

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

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

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

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

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

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

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

10 (b) Any compound, mixture, or preparation containing any of the  
11 following narcotic drugs, or their salts calculated as the free  
12 anhydrous base or alkaloid, in limited quantities as set forth in this  
13 ((section)) subsection, which ((shall include)) also contains one or  
14 more nonnarcotic active medicinal ingredients in sufficient proportion  
15 to confer upon the compound, mixture, or preparation, valuable  
16 medicinal qualities other than those possessed by the narcotic drug  
17 alone:

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

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

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

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

26 (5) Not more than 100 milligrams of opium per 100 milliliters or  
27 per 100 grams;

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

30 ~~(c) Buprenorphine))~~.

1        (c) Any material, compound, mixture, or preparation containing any  
2 quantity of the following substances having a stimulant effect on the  
3 central nervous system, including their salts, isomers, and salts of  
4 isomers:

5        (1) Propylhexedrine;

6        (2) Pyrovalerone.

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

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

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

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

19        CONTROLLED SUBSTANCE ANALOG TREATED AS SCHEDULE I SUBSTANCE. A  
20 controlled substance analog, to the extent intended for human  
21 consumption, shall be treated, for the purposes of this chapter, as a  
22 substance included in Schedule I. Within thirty days after the  
23 initiation of prosecution with respect to a controlled substance analog  
24 by indictment or information, the prosecuting attorney shall notify the  
25 state board of pharmacy of information relevant to emergency scheduling  
26 as provided for in RCW 69.50.201(f). After final determination that  
27 the controlled substance analog should not be scheduled, no prosecution  
28 relating to that substance as a controlled substance analog may



1 continue or take place.