

REFERENCE TITLE: **carfentanil; fentanyl; threshold amount; minors**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2250

Introduced by
Representatives Finchem: Barton

AN ACT

AMENDING SECTIONS 13-705, 13-3401 AND 13-3408, ARIZONA REVISED STATUTES;
AMENDING TITLE 13, CHAPTER 34, ARIZONA REVISED STATUTES, BY ADDING SECTION
13-3408.01; RELATING TO NARCOTIC DRUGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-705, Arizona Revised Statutes, is amended to
3 read:

4 13-705. Dangerous crimes against children; sentences;
5 definitions

6 A. A person who is at least eighteen years of age and who is
7 convicted of a dangerous crime against children in the first degree
8 involving commercial sexual exploitation of a minor or child sex
9 trafficking and the person has previously been convicted of a dangerous
10 crime against children in the first degree shall be sentenced to
11 imprisonment in the custody of the state department of corrections for
12 natural life. A person who is sentenced to natural life is not eligible
13 for commutation, parole, work furlough, work release or release from
14 confinement on any basis for the remainder of the person's natural life.

15 B. A person who is at least eighteen years of age and who is
16 convicted of a dangerous crime against children in the first degree
17 involving sexual assault of a minor who is twelve years of age or younger
18 or sexual conduct with a minor who is twelve years of age or younger shall
19 be sentenced to life imprisonment and is not eligible for suspension of
20 sentence, probation, pardon or release from confinement on any basis
21 except as specifically authorized by section 31-233, subsection A or B
22 until the person has served thirty-five years or the sentence is commuted.
23 This subsection does not apply to masturbatory contact.

24 C. Except as otherwise provided in this section, a person who is at
25 least eighteen years of age or who has been tried as an adult and who is
26 convicted of a dangerous crime against children in the first degree
27 involving attempted first degree murder of a minor who is under twelve
28 years of age, second degree murder of a minor who is under twelve years of
29 age, sexual assault of a minor who is under twelve years of age, sexual
30 conduct with a minor who is under twelve years of age, ~~OR~~ manufacturing
31 methamphetamine under circumstances that cause physical injury to a minor
32 who is under twelve years of age OR MANUFACTURING CARFENTANIL, FENTANYL OR
33 FENTANYL MIMETIC SUBSTANCES UNDER CIRCUMSTANCES THAT CAUSE PHYSICAL INJURY
34 TO A MINOR WHO IS UNDER TWELVE YEARS OF AGE may be sentenced to life
35 imprisonment and is not eligible for suspension of sentence, probation,
36 pardon or release from confinement on any basis except as specifically
37 authorized by section 31-233, subsection A or B until the person has
38 served thirty-five years or the sentence is commuted. If a life sentence
39 is not imposed pursuant to this subsection, the person shall be sentenced
40 to a term of imprisonment as follows:

41	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
42	13 years	20 years	27 years

1 D. Except as otherwise provided in this section, a person who is at
 2 least eighteen years of age or who has been tried as an adult and who is
 3 convicted of a dangerous crime against children in the first degree
 4 involving attempted first degree murder of a minor who is twelve, thirteen
 5 or fourteen years of age, second degree murder of a minor who is twelve,
 6 thirteen or fourteen years of age, sexual assault of a minor who is
 7 twelve, thirteen or fourteen years of age, taking a child for the purpose
 8 of prostitution, child sex trafficking, commercial sexual exploitation of
 9 a minor, sexual conduct with a minor who is twelve, thirteen or fourteen
 10 years of age, continuous sexual abuse of a child, ~~OR~~ manufacturing
 11 methamphetamine under circumstances that cause physical injury to a minor
 12 who is twelve, thirteen or fourteen years of age **OR MANUFACTURING**
 13 **CARFENTANIL, FENTANYL OR FENTANYL MIMETIC SUBSTANCES UNDER CIRCUMSTANCES**
 14 **THAT CAUSE PHYSICAL INJURY TO A MINOR WHO IS TWELVE, THIRTEEN OR FOURTEEN**
 15 **YEARS OF AGE** or involving or using minors in drug offenses shall be
 16 sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
13 years	20 years	27 years

19 A person who has been previously convicted of one predicate felony shall
 20 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
23 years	30 years	37 years

23 E. Except as otherwise provided in this section, a person who is at
 24 least eighteen years of age or who has been tried as an adult and who is
 25 convicted of a dangerous crime against children in the first degree
 26 involving aggravated assault, unlawful mutilation, molestation of a child,
 27 sexual exploitation of a minor, aggravated luring a minor for sexual
 28 exploitation, child abuse or kidnapping shall be sentenced to a term of
 29 imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
10 years	17 years	24 years

32 A person who has been previously convicted of one predicate felony shall
 33 be sentenced to a term of imprisonment as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
21 years	28 years	35 years

36 F. Except as otherwise provided in this section, if a person is at
 37 least eighteen years of age or has been tried as an adult and is convicted
 38 of a dangerous crime against children involving luring a minor for sexual
 39 exploitation, sexual extortion or unlawful age misrepresentation and is
 40 sentenced to a term of imprisonment, the term of imprisonment is as
 41 follows and the person is not eligible for release from confinement on any
 42 basis except as specifically authorized by section 31-233, subsection A or
 43 B until the sentence imposed by the court has been served, the person is
 44 eligible for release pursuant to section 41-1604.07 or the sentence is
 45 commuted:

1	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
2	5 years	10 years	15 years

3 A person who has been previously convicted of one predicate felony shall
 4 be sentenced to a term of imprisonment as follows and the person is not
 5 eligible for suspension of sentence, probation, pardon or release from
 6 confinement on any basis except as specifically authorized by section
 7 31-233, subsection A or B until the sentence imposed by the court has been
 8 served, the person is eligible for release pursuant to section 41-1604.07
 9 or the sentence is commuted:

10	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
11	8 years	15 years	22 years

12 G. Except as otherwise provided in this section, if a person is at
 13 least eighteen years of age or has been tried as an adult and is convicted
 14 of a dangerous crime against children involving sexual abuse or bestiality
 15 under section 13-1411, subsection A, paragraph 2 and is sentenced to a
 16 term of imprisonment, the term of imprisonment is as follows and the
 17 person is not eligible for release from confinement on any basis except as
 18 specifically authorized by section 31-233, subsection A or B until the
 19 sentence imposed by the court has been served, the person is eligible for
 20 release pursuant to section 41-1604.07 or the sentence is commuted:

21	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
22	2.5 years	5 years	7.5 years

23 A person who has been previously convicted of one predicate felony shall
 24 be sentenced to a term of imprisonment as follows and the person is not
 25 eligible for suspension of sentence, probation, pardon or release from
 26 confinement on any basis except as specifically authorized by section
 27 31-233, subsection A or B until the sentence imposed by the court has been
 28 served, the person is eligible for release pursuant to section 41-1604.07
 29 or the sentence is commuted:

30	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
31	8 years	15 years	22 years

32 H. The presumptive sentences prescribed in subsections C, D and E
 33 of this section or subsections F and G of this section if the person has
 34 previously been convicted of a predicate felony may be increased or
 35 decreased pursuant to section 13-701, subsections C, D and E.

36 I. Except as provided in subsection G of this section, a person who
 37 is sentenced for a dangerous crime against children in the first degree
 38 pursuant to this section is not eligible for suspension of sentence,
 39 probation, pardon or release from confinement on any basis except as
 40 specifically authorized by section 31-233, subsection A or B until the
 41 sentence imposed by the court has been served or commuted.

42 J. A person who is convicted of any dangerous crime against
 43 children in the first degree pursuant to subsection C, D or E of this
 44 section and who has been previously convicted of two or more predicate
 45 felonies shall be sentenced to life imprisonment and is not eligible for

1 suspension of sentence, probation, pardon or release from confinement on
2 any basis except as specifically authorized by section 31-233, subsection
3 A or B until the person has served not fewer than thirty-five years or the
4 sentence is commuted.

5 K. Notwithstanding chapter 10 of this title, a person who is at
6 least eighteen years of age or who has been tried as an adult and who is
7 convicted of a dangerous crime against children in the second degree
8 pursuant to subsection B, C, D or E of this section is guilty of a class 3
9 felony and if the person is sentenced to a term of imprisonment, the term
10 of imprisonment is as follows and the person is not eligible for release
11 from confinement on any basis except as specifically authorized by section
12 31-233, subsection A or B until the person has served the sentence imposed
13 by the court, the person is eligible for release pursuant to section
14 41-1604.07 or the sentence is commuted:

15	<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
16	5 years	10 years	15 years

17 L. A person who is convicted of any dangerous crime against
18 children in the second degree and who has been previously convicted of one
19 or more predicate felonies is not eligible for suspension of sentence,
20 probation, pardon or release from confinement on any basis except as
21 specifically authorized by section 31-233, subsection A or B until the
22 sentence imposed by the court has been served, the person is eligible for
23 release pursuant to section 41-1604.07 or the sentence is commuted.

24 M. Section 13-704, subsection J and section 13-707, subsection B
25 apply to the determination of prior convictions.

26 N. The sentence imposed on a person by the court for a dangerous
27 crime against children under subsection G of this section involving sexual
28 abuse may be served concurrently with other sentences if the offense
29 involved only one victim. The sentence imposed on a person for any other
30 dangerous crime against children in the first or second degree shall be
31 consecutive to any other sentence imposed on the person at any time,
32 including sexual abuse of the same victim.

33 O. In this section, for purposes of punishment an unborn child
34 shall be treated like a minor who is under twelve years of age.

35 P. A dangerous crime against children is in the first degree if it
36 is a completed offense and is in the second degree if it is a preparatory
37 offense, except attempted first degree murder is a dangerous crime against
38 children in the first degree.

39 Q. It is not a defense to a dangerous crime against children that
40 the minor is a person posing as a minor or is otherwise fictitious if the
41 defendant knew or had reason to know the purported minor was under fifteen
42 years of age.

43 R. For the purposes of this section:

44 1. "Dangerous crime against children" means any of the following
45 that is committed against a minor who is under fifteen years of age:

- 1 (a) Second degree murder.
- 2 (b) Aggravated assault resulting in serious physical injury or
- 3 involving the discharge, use or threatening exhibition of a deadly weapon
- 4 or dangerous instrument.
- 5 (c) Sexual assault.
- 6 (d) Molestation of a child.
- 7 (e) Sexual conduct with a minor.
- 8 (f) Commercial sexual exploitation of a minor.
- 9 (g) Sexual exploitation of a minor.
- 10 (h) Child abuse as prescribed in section 13-3623, subsection A,
- 11 paragraph 1.
- 12 (i) Kidnapping.
- 13 (j) Sexual abuse.
- 14 (k) Taking a child for the purpose of prostitution as prescribed in
- 15 section 13-3206.
- 16 (l) Child sex trafficking as prescribed in section 13-3212.
- 17 (m) Involving or using minors in drug offenses.
- 18 (n) Continuous sexual abuse of a child.
- 19 (o) Attempted first degree murder.
- 20 (p) Sex trafficking.
- 21 (q) Manufacturing methamphetamine under circumstances that cause
- 22 physical injury to a minor.
- 23 (r) Bestiality as prescribed in section 13-1411, subsection A,
- 24 paragraph 2.
- 25 (s) Luring a minor for sexual exploitation.
- 26 (t) Aggravated luring a minor for sexual exploitation.
- 27 (u) Unlawful age misrepresentation.
- 28 (v) Unlawful mutilation.
- 29 (w) Sexual extortion as prescribed in section 13-1428.
- 30 (x) MANUFACTURING CARFENTANIL, FENTANYL OR FENTANYL MIMETIC
- 31 SUBSTANCES UNDER CIRCUMSTANCES THAT CAUSE PHYSICAL INJURY TO A MINOR.

32 2. "Predicate felony" means any felony involving child abuse
33 pursuant to section 13-3623, subsection A, paragraph 1, a sexual offense,
34 conduct involving the intentional or knowing infliction of serious
35 physical injury or the discharge, use or threatening exhibition of a
36 deadly weapon or dangerous instrument, or a dangerous crime against
37 children in the first or second degree.

38 Sec. 2. Section 13-3401, Arizona Revised Statutes, is amended to
39 read:

40 13-3401. Definitions

41 In this chapter, unless the context otherwise requires:

- 42 1. "Administer" means to apply, inject or facilitate the inhalation
- 43 or ingestion of a substance to the body of a person.

1 2. "Amidone" means any substance identified chemically as
2 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance,
3 by whatever trade name designated.

4 3. "Board" means the Arizona state board of pharmacy.

5 4. "Cannabis" means the following substances under whatever names
6 they may be designated:

7 (a) The resin extracted from any part of a plant of the genus
8 cannabis, and every compound, manufacture, salt, derivative, mixture or
9 preparation of such plant, its seeds or its resin. Cannabis does not
10 include oil or cake made from the seeds of such plant, any fiber,
11 compound, manufacture, salt, derivative, mixture or preparation of the
12 mature stalks of such plant except the resin extracted from the stalks or
13 any fiber, oil or cake or the sterilized seed of such plant which is
14 incapable of germination.

15 (b) Every compound, manufacture, salt, derivative, mixture or
16 preparation of such resin or tetrahydrocannabinol.

17 5. "Coca leaves" means cocaine, its optical isomers and any
18 compound, manufacture, salt, derivative, mixture or preparation of coca
19 leaves, except derivatives of coca leaves which do not contain cocaine,
20 ecgonine or substances from which cocaine or ecgonine may be synthesized
21 or made.

22 6. "Dangerous drug" means the following by whatever official,
23 common, usual, chemical or trade name designated:

24 (a) Any material, compound, mixture or preparation that contains
25 any quantity of the following hallucinogenic substances and their salts,
26 isomers, whether optical, positional or geometric, and salts of isomers,
27 unless specifically excepted, whenever the existence of such salts,
28 isomers and salts of isomers is possible within the specific chemical
29 designation:

30 (i) Alpha-ethyltryptamine.

31 (ii) Alpha-methyltryptamine.

32 (iii) (2-aminopropyl) benzofuran (APB).

33 (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).

34 (v) Aminorex.

35 (vi) 4-bromo-2, 5-dimethoxyphenethylamine.

36 (vii) 4-bromo-2, 5-dimethoxyamphetamine.

37 (viii) Bufotenine.

38 (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).

39 (x) Diethyltryptamine.

40 (xi) 2, 5-dimethoxyamphetamine.

41 (xii) Dimethyltryptamine.

42 (xiii) (2-ethylaminopropyl)-benzofuran (EAPB).

43 (xiv) 5-methoxy-alpha-methyltryptamine.

44 (xv) 5-methoxy-3, 4-methylenedioxyamphetamine.

45 (xvi) 4-methyl-2, 5-dimethoxyamphetamine.

- 1 (xvii) (2-methylaminopropyl)-benzofuran (MAPB).
- 2 (xviii) Ibogaine.
- 3 (xix) Lysergic acid amide.
- 4 (xx) Lysergic acid diethylamide.
- 5 (xxi) Mescaline.
- 6 (xxii) 4-methoxyamphetamine.
- 7 (xxiii) Methoxymethylenedioxyamphetamine (MMDA).
- 8 (xxiv) Methylenedioxyamphetamine (MDA).
- 9 (xxv) 3, 4-methylenedioxyamphetamine.
- 10 (xxvi) 3, 4-methylenedioxy-N-ethylamphetamine.
- 11 (xxvii) N-ethyl-3-piperidyl benzilate (JB-318).
- 12 (xxviii) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 13 (xxix) N-methyl-3-piperidyl benzilate (JB-336).
- 14 (xxx) N-methyltryptamine mimetic substances that are any substances
- 15 derived from N-methyltryptamine by any substitution at the nitrogen, any
- 16 substitution at the indole ring, any substitution at the alpha carbon, any
- 17 substitution at the beta carbon or any combination of the above.
- 18 N-methyltryptamine mimetic substances do not include melatonin (5-methoxy-
- 19 n-acetyltryptamine). Substances in the N-methyltryptamine generic
- 20 definition include AcO-DMT, Baeocystine, Bromo-DALT, DiPT, DMT, DPT,
- 21 HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT,
- 22 MeO-DMT, MeO-DPT, MeO-NMT, MET, NMT and Norbufotenin.
- 23 (xxxi) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 24 (xxxii) Nabilone.
- 25 (xxxiii) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 26 (xxxiv) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 27 (xxxv) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 28 (xxxvi) Para-methoxyamphetamine (PMA).
- 29 (xxxvii) Psilacetin.
- 30 (xxxviii) Psilocybin.
- 31 (xxxix) Psilocyn.
- 32 (xl) Synhexyl.
- 33 (xli) Trifluoromethylphenylpiperazine (TFMPP).
- 34 (xlii) Trimethoxyamphetamine (TMA).
- 35 (xliiii) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 36 (xliv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 37 (xlv) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 38 (xlvi) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- 39 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
- 40 and isomers).
- 41 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
- 42 isomers).
- 43 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
- 44 (JWH-015 and isomers).

1 (1) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-
2 YL)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210).

3 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
4 (CP 47,497 and isomers).

5 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
6 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).

7 (b) Any material, compound, mixture or preparation that contains
8 any quantity of cannabimimetic substances and their salts, isomers,
9 whether optical, positional or geometric, and salts of isomers, unless
10 specifically excepted, whenever the existence of such salts, isomers and
11 salts of isomers is possible within the specific chemical designation.
12 For the purposes of this subdivision, "cannabimimetic substances" means
13 any substances within the following structural classes:

14 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
15 5-position of the phenolic ring by alkyl or alkenyl, whether or not
16 substituted on the cyclohexyl ring to any extent. Substances in the
17 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,
18 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

19 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by
20 substitution at the nitrogen atom of the indole ring, whether or not
21 further substituted on the indole ring to any extent, whether or not
22 substituted on the naphthoyl or naphthyl ring to any extent. Substances
23 in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,
24 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
25 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,
26 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,
27 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,
28 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,
29 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,
30 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,
31 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,
32 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

33 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by
34 substitution at one or both of the nitrogen atoms of the indazole ring,
35 whether or not further substituted on the indazole ring to any extent,
36 whether or not substituted on the naphthoyl ring to any extent.
37 Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole
38 generic definition include THJ2201 and THJ-018.

39 (iv) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of
40 the pyrrole ring, whether or not further substituted in the pyrrole ring
41 to any extent, whether or not substituted on the naphthoyl ring to any
42 extent. Substances in the 3-(naphthoyl)pyrrole generic definition include
43 JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,
44 JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,

1 JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,
2 JWH-373 and JWH-392.

3 (v) 1-(naphthylmethylene)indene by substitution of the 3-position
4 of the indene ring, whether or not further substituted in the indene ring
5 to any extent, whether or not substituted on the naphthyl ring to any
6 extent. Substances in the 1-(naphthylmethylene)indene generic definition
7 include JWH-176.

8 (vi) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at
9 the nitrogen atom of the indole ring, whether or not further substituted
10 in the indole ring to any extent, whether or not substituted on the phenyl
11 ring to any extent. Substances in the 3-(phenylacetyl)indole generic
12 definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203,
13 JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH--237, JWH-248,
14 JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306,
15 JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18
16 and SR-19.

17 (vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)
18 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen
19 atom of the indole ring, whether or not further substituted in the indole
20 ring to any extent, whether or not substituted on the cyclopropyl,
21 cyclobutyl or cyclopentyl rings to any extent. Substances in the
22 3-(cyclopropylmethanone) indole generic definition include UR-144,
23 fluoro-UR-144 and XLR-11.

24 (viii) 3-adamantoylindole with substitution at the nitrogen atom of
25 the indole ring, whether or not further substituted on the indole ring to
26 any extent, whether or not substituted on the adamantyl ring to any
27 extent. Substances in the 3-adamantoylindole generic definition include
28 AB-001.

29 (ix) N-(adamantyl)-indole-3-carboxamide with substitution at the
30 nitrogen atom of the indole ring, whether or not further substituted on
31 the indole ring to any extent, whether or not substituted on the adamantyl
32 ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide
33 generic definition include SDB-001.

34 (x) Indole-3-carboxamide or indazole-3-carboxamide with
35 substitution at the nitrogen atom of the indole ring or by substitution at
36 one or both of the nitrogen atoms of the indazole ring, whether or not
37 further substituted on the indole ring or the indazole ring to any extent,
38 whether or not substituted on the nitrogen of the carboxamide to any
39 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide
40 generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA,
41 AB-FUBINACA, ABICA and ADBICA.

42 (xi) 8-Quinolinyl-indole-3-carboxylate or
43 8-quinolinyl-indazole-3-carboxylate by substitution at the nitrogen atom
44 of the indole ring or by substitution at one or both of the nitrogen atoms
45 of the indazole ring, whether or not further substituted in the indole

1 ring or indazole ring to any extent, whether or not substituted on the
 2 quinoline ring to any extent. Substances in the 8-quinolinyl-indole-
 3 3-carboxylate or the 8-quinolinyl-indazole-3-carboxylate generic
 4 definition include PB-22, fluoro-PB-22, NPB-22 and fluoro-NPB-22.

5 (xii) Naphthalenyl-indole-3-carboxylate or
 6 naphthalenyl-indazole-3-carboxylate by substitution at the nitrogen atom
 7 of the indole ring or by substitution at one or both of the nitrogen atoms
 8 of the indazole ring, whether or not further substituted in the indole or
 9 indazole ring to any extent, whether or not substituted on the
 10 naphthalenyl ring to any extent. Substances in the naphthalenyl-indole-
 11 3-carboxylate or naphthalenyl-indazole-3-carboxylate generic definition
 12 include NM2201, FDU-PB-22, SDB-005 and fluoro SDB-005.

13 (c) Any material, compound, mixture or preparation that contains
 14 any quantity of the following substances and their salts, isomers, whether
 15 optical, positional or geometric, and salts of isomers having a potential
 16 for abuse associated with a stimulant effect on the central nervous
 17 system:

- 18 (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
- 19 (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
- 20 (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).
- 21 (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).
- 22 (v) Aminoindane mimetic substances that are derived from
 23 aminoindane by any substitution at the indane ring, replacement of the
 24 amino group with another N group or any combination of the above.
 25 Substances in the aminoindane generic definition include MDAI, MMAI, IAI
 26 and AMMI.
- 27 (vi) Amphetamine.
- 28 (vii) Benzphetamine.
- 29 (viii) Benzylpiperazine (BZP).
- 30 (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
- 31 (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
- 32 (xi) Butorphanol.
- 33 (xii) Cathine ((+)-norpseudoephedrine).
- 34 (xiii) Cathinomimetic substances that are any substances derived
 35 from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the
 36 phenyl ring, any substitution at the 3 position, any substitution at the
 37 nitrogen atom or any combination of the above substitutions.
- 38 (xiv) Cathinone.
- 39 (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 40 (xvi) Chlorphentermine.
- 41 (xvii) Clortermine.
- 42 (xviii) Diethylpropion.
- 43 (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).
- 44 (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 45 (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

- 1 (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- 2 (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 3 (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 4 (xxv) Dimethylcathinone (Metamfepramone).
- 5 (xxvi) Ethcathinone.
- 6 (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- 7 (xxviii) Fencamfamin.
- 8 (xxix) Fenethylamine.
- 9 (xxx) Fenproporex.
- 10 (xxxi) Fluoroamphetamine.
- 11 (xxxii) Fluoromethamphetamine.
- 12 (xxxiii) Fluoromethcathinone.
- 13 (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 14 (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine(2C-T-4).
- 15 (xxxvi) Mazindol.
- 16 (xxxvii) Mefenorex.
- 17 (xxxviii) Methamphetamine.
- 18 (xxxix) Methcathinone.
- 19 (xl) Methiopropamine.
- 20 (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 21 (xlii) Methoxymethcathinone (methedrone).
- 22 (xliii) Methoxyphenethylamine mimetic substances that are any
- 23 substances derived from 2, 5-dimethoxy-phenethylamine by any substitution
- 24 at the phenyl ring, any substitution at the nitrogen atom, any
- 25 substitutions at the carbon atoms of the ethylamine, or any combination of
- 26 the above substitutions.
- 27 (xliv) 4-methylaminorex.
- 28 (xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
- 29 (xlvi) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- 30 (xlvii) Methylenedioxyethcathinone (Ethylone).
- 31 (xlviii) Methylenedioxymethcathinone (Methylone).
- 32 (xlix) Methylenedioxypyrovalerone (MDPV).
- 33 (l) Methylmethcathinone (Mephedrone).
- 34 (li) Methylphenidate.
- 35 (lii) Modafinil.
- 36 (liii) Naphthylpyrovalerone (Naphyrone).
- 37 (liv) N-ethylamphetamine.
- 38 (lv) N, N-dimethylamphetamine.
- 39 (lvi) Pemoline.
- 40 (lvii) Phendimetrazine.
- 41 (lviii) Phenmetrazine.
- 42 (lix) Phentermine.
- 43 (lx) Pipradol.
- 44 (lxi) Propylhexedrine.
- 45 (lxii) Pyrovalerone.

- 1 (lxiii) Sibutramine.
- 2 (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 3 (d) Any material, compound, mixture or preparation that contains
- 4 any quantity of the following substances having a potential for abuse
- 5 associated with a depressant effect on the central nervous system:
- 6 (i) Any substance which contains any quantity of a derivative of
- 7 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 8 specifically excepted.
- 9 (ii) Alprazolam.
- 10 (iii) Bromazepam.
- 11 (iv) Camazepam.
- 12 (v) Carisoprodol.
- 13 (vi) Chloral betaine.
- 14 (vii) Chloral hydrate.
- 15 (viii) Chlordiazepoxide.
- 16 (ix) Chlorhexadol.
- 17 (x) Clobazam.
- 18 (xi) Clonazepam.
- 19 (xii) Clorazepate.
- 20 (xiii) Clotiazepam.
- 21 (xiv) Cloxazolam.
- 22 (xv) Delorazepam.
- 23 (xvi) Diazepam.
- 24 (xvii) Dichloralphenazone.
- 25 (xviii) Estazolam.
- 26 (xix) Ethchlorvynol.
- 27 (xx) Ethinamate.
- 28 (xxi) Ethyl loflazepate.
- 29 (xxii) Etizolam.
- 30 (xxiii) Fenfluramine.
- 31 (xxiv) Fludiazepam.
- 32 (xxv) Flunitrazepam.
- 33 (xxvi) Flurazepam.
- 34 (xxvii) Gamma hydroxy butyrate.
- 35 (xxviii) Glutethimide.
- 36 (xxix) Halazepam.
- 37 (xxx) Haloxazolam.
- 38 (xxxii) Hydroxyphencyclidine (HO-PCP).
- 39 (xxxiii) Ketamine.
- 40 (xxxiv) Ketazolam.
- 41 (xxxv) Loprazolam.
- 42 (xxxvi) Lorazepam.
- 43 (xxxvii) Lormetazepam.
- 44 (xxxviii) Lysergic acid.
- 45 (xxxviii) Mebutamate.

- 1 (xxxix) Mecloqualone.
- 2 (xl) Medazepam.
- 3 (xli) Meprobamate.
- 4 (xlii) Methaqualone.
- 5 (xliii) Methohexital.
- 6 (xliv) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone
- 7 (Methoxetamine).
- 8 (xlv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone
- 9 (Methoxyketamine).
- 10 (xlvi) Methoxyphencyclidine(MeO-PCP).
- 11 (xlvii) Methyprylon.
- 12 (xlviii) Midazolam.
- 13 (xlix) Nimetazepam.
- 14 (l) Nitrazepam.
- 15 (li) Nordiazepam.
- 16 (lii) Oxazepam.
- 17 (liii) Oxazolam.
- 18 (liv) Paraldehyde.
- 19 (lv) Petrichloral.
- 20 (lvi) Phencyclidine (PCP).
- 21 (lvii) Phencyclidine mimetic substances that are any substances
- 22 derived from phenylcyclohexylpiperidine by any substitution at the phenyl
- 23 ring, any substitution at the piperidine ring, any substitution at the
- 24 cyclohexyl ring, any replacement of the phenyl ring or any combination of
- 25 the above. Substances in the phenylcyclohexylpiperidine generic
- 26 definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP,
- 27 Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM,
- 28 PCPY, TCP and TCPY.
- 29 (lviii) Pinazepam.
- 30 (lix) Prazepam.
- 31 (lx) Scopolamine.
- 32 (lxi) Sulfondiethylmethane.
- 33 (lxii) Sulfonethylmethane.
- 34 (lxiii) Sulfonmethane.
- 35 (lxiv) Quazepam.
- 36 (lxv) Temazepam.
- 37 (lxvi) Tetrazepam.
- 38 (lxvii) Tiletamine.
- 39 (lxviii) Triazolam.
- 40 (lxix) Zaleplon.
- 41 (lxx) Zolazepam.
- 42 (lxxi) Zolpidem.
- 43 (lxxii) Zopiclone.

1 (e) Any material, compound, mixture or preparation that contains
2 any quantity of the following anabolic steroids and their salts, isomers
3 or esters:

- 4 (i) Boldenone.
- 5 (ii) Clostebol (4-chlorotestosterone).
- 6 (iii) Dehydrochloromethyltestosterone.
- 7 (iv) Drostanolone.
- 8 (v) Ethylestrenol.
- 9 (vi) Fluoxymesterone.
- 10 (vii) Formebolone (formebolone).
- 11 (viii) Mesterolone.
- 12 (ix) Methandriol.
- 13 (x) Methandrostenolone (methandienone).
- 14 (xi) Methenolone.
- 15 (xii) Methyltestosterone.
- 16 (xiii) Mibolerone.
- 17 (xiv) Nandrolone.
- 18 (xv) Norethandrolon.
- 19 (xvi) Oxandrolone.
- 20 (xvii) Oxymesterone.
- 21 (xviii) Oxymetholone.
- 22 (xix) Stanolone (4-dihydrotestosterone).
- 23 (xx) Stanozolol.
- 24 (xxi) Testolactone.
- 25 (xxii) Testosterone.
- 26 (xxiii) Trenbolone.

27 7. "Deliver" means the actual, constructive or attempted exchange
28 from one person to another, whether or not there is an agency
29 relationship.

30 8. "Director" means the director of the department of health
31 services.

32 9. "Dispense" means distribute, leave with, give away, dispose of
33 or deliver.

34 10. "Drug court program" means a program that is established
35 pursuant to section 13-3422 by the presiding judge of the superior court
36 in cooperation with the county attorney in a county for the purpose of
37 prosecuting, adjudicating and treating drug dependent persons who meet the
38 criteria and guidelines for entry into the program that are developed and
39 agreed on by the presiding judge and the prosecutor.

40 11. "Drug dependent person" means a person who is using a substance
41 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is
42 in a state of psychological or physical dependence, or both, arising from
43 the use of that substance.

44 12. "Federal act" has the same meaning prescribed in section
45 32-1901.

1 13. "Isoamidone" means any substance identified chemically as
2 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
3 substance, by whatever trade name designated.

4 14. "Isonipecaine" means any substance identified chemically as
5 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt
6 of such substance, by whatever trade name designated.

7 15. "Ketobemidone" means any substance identified chemically as
8 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or
9 any salt of such substance, by whatever trade name designated.

10 16. "Licensed" or "permitted" means authorized by the laws of this
11 state to do certain things.

12 17. "Manufacture" means produce, prepare, propagate, compound, mix
13 or process, directly or indirectly, by extraction from substances of
14 natural origin or independently by means of chemical synthesis, or by a
15 combination of extraction and chemical synthesis. Manufacture includes
16 any packaging or repackaging or labeling or relabeling of containers.
17 Manufacture does not include any producing, preparing, propagating,
18 compounding, mixing, processing, packaging or labeling done in conformity
19 with applicable state and local laws and rules by a licensed practitioner
20 incident to and in the course of his licensed practice.

21 18. "Manufacturer" means a person who manufactures a narcotic or
22 dangerous drug or other substance controlled by this chapter.

23 19. "Marijuana" means all parts of any plant of the genus cannabis,
24 from which the resin has not been extracted, whether growing or not, and
25 the seeds of such plant. Marijuana does not include the mature stalks of
26 such plant or the sterilized seed of such plant which is incapable of
27 germination.

28 20. "Narcotic drugs" means the following, whether of natural or
29 synthetic origin and any substance neither chemically nor physically
30 distinguishable from them:

- 31 (a) Acetyl-alpha-methylfentanyl.
- 32 (b) Acetylmethadol.
- 33 (c) Alfentanil.
- 34 (d) Allylprodine.
- 35 (e) Alphacetylmethadol.
- 36 (f) Alphameprodine.
- 37 (g) Alphamethadol.
- 38 (h) Alpha-methylfentanyl.
- 39 (i) Alpha-methylthiofentanyl.
- 40 (j) Alphaprodine.
- 41 (k) Amidone (methadone).
- 42 (l) Anileridine.
- 43 (m) Benzethidine.
- 44 (n) Benzylfentanyl.
- 45 (o) Betacetylmethadol.

- 1 (p) Beta-hydroxyfentanyl.
- 2 (q) Beta-hydroxy-3-methylfentanyl.
- 3 (r) Betameprodine.
- 4 (s) Betamethadol.
- 5 (t) Betaprodine.
- 6 (u) Bezitramide.
- 7 (v) Buprenorphine and its salts.
- 8 (w) Cannabis.
- 9 (x) Carfentanil.
- 10 (y) 4-chloro-n-[-1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]
- 11 benzenesulfonamide (W-18).
- 12 (z) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]
- 13 benzenesulfonamide (W-15).
- 14 (aa) Clonitazene.
- 15 (bb) Coca leaves.
- 16 (cc) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
- 17 (dd) Dextromoramide.
- 18 (ee) Dextropropoxyphene.
- 19 (ff) Diampromide.
- 20 (gg) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-
- 21 benzamide (AH-7921).
- 22 (hh) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide
- 23 (U-47700).
- 24 (ii) Diethylthiambutene.
- 25 (jj) DifenoXin.
- 26 (kk) Dihydrocodeine.
- 27 (ll) Dimenoxadol.
- 28 (mm) Dimepheptanol.
- 29 (nn) Dimethylthiambutene.
- 30 (oo) Dioxaphetyl butyrate.
- 31 (pp) Diphenidine (DEP).
- 32 (qq) Diphenoxylate.
- 33 (rr) Dipipanone.
- 34 (ss) Ephenidine.
- 35 (tt) Ethylmethylthiambutene.
- 36 (uu) Etonitazene.
- 37 (vv) EtoXeridine.
- 38 (ww) Fentanyl.
- 39 (xx) Fentanyl mimetic substances that are any substances derived
- 40 from fentanyl by any substitution in the phenethyl group, any substitution
- 41 in the piperidine ring, any substitution in the aniline ring, any
- 42 replacement of the phenyl portion of the phenethyl group, any replacement
- 43 of the N-propionyl group or any combination of the above.
- 44 (yy) Furethidine.
- 45 (zz) Hydroxypethidine.

- 1 (aaa) Isoamidone (isomethadone).
- 2 (bbb) Isophenidine.
- 3 (ccc) Pethidine (meperidine).
- 4 (ddd) Ketobemidone.
- 5 (eee) Lefetamine.
- 6 (fff) Levomethorphan.
- 7 (ggg) Levomoramide.
- 8 (hhh) Levophenacymorphan.
- 9 (iii) Levorphanol.
- 10 (jjj) Metazocine.
- 11 (kkk) Methoxphenidine (MXP).
- 12 (lll) 3-methylfentanyl.
- 13 (mmm) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 14 (nnn) 3-methylthiofentanyl.
- 15 (ooo) Morpheridine.
- 16 (ppp) Noracymethadol.
- 17 (qqq) Norlevorphanol.
- 18 (rrr) Normethadone.
- 19 (sss) Norpipanone.
- 20 (ttt) Opium.
- 21 (uuu) Para-fluorofentanyl.
- 22 (vvv) Pentazocine.
- 23 (www) Phenadoxone.
- 24 (xxx) Phenampromide.
- 25 (yyy) Phenazocine.
- 26 (zzz) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 27 (aaaa) Phenomorphan.
- 28 (bbbb) Phenoperidine.
- 29 (cccc) Piminodine.
- 30 (dddd) Piritramide.
- 31 (eeee) Proheptazine.
- 32 (ffff) Properidine.
- 33 (gggg) Propiram.
- 34 (hhhh) Racemethorphan.
- 35 (iiii) Racemoramide.
- 36 (jjjj) Racemorphan.
- 37 (kkkk) Remifentanil.
- 38 (llll) Sufentanil.
- 39 (mmmm) Thenylfentanyl.
- 40 (nnnn) Thiofentanyl.
- 41 (oooo) Tilidine.
- 42 (pppp) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)
- 43 cyclohexanol, and its salts, optical and geometric isomers, and its salts
- 44 of isomers.
- 45 (qqqq) Trimeperidine.

1 21. "Opium" means any compound, manufacture, salt, isomer, salt of
2 isomer, derivative, mixture or preparation of the following, but does not
3 include apomorphine or any of its salts:

- 4 (a) Acetorphine.
- 5 (b) Acetyldihydrocodeine.
- 6 (c) Benzylmorphine.
- 7 (d) Codeine.
- 8 (e) Codeine methylbromide.
- 9 (f) Codeine-N-oxide.
- 10 (g) Cyprenorphine.
- 11 (h) Desomorphine.
- 12 (i) Dihydromorphine.
- 13 (j) Drotebanol.
- 14 (k) Ethylmorphine.
- 15 (l) Etorphine.
- 16 (m) Heroin.
- 17 (n) Hydrocodone.
- 18 (o) Hydromorphinol.
- 19 (p) Hydromorphone.
- 20 (q) Levo-alphaacetylmethadol.
- 21 (r) Methyldesorphine.
- 22 (s) Methyldihydromorphine.
- 23 (t) Metopon.
- 24 (u) Morphine.
- 25 (v) Morphine methylbromide.
- 26 (w) Morphine methylsulfonate.
- 27 (x) Morphine-N-oxide.
- 28 (y) Myrophine.
- 29 (z) Nalorphine.
- 30 (aa) Nicocodeine.
- 31 (bb) Nicomorphine.
- 32 (cc) Normorphine.
- 33 (dd) Oxycodone.
- 34 (ee) Oxymorphone.
- 35 (ff) Pholcodine.
- 36 (gg) Thebacon.
- 37 (hh) Thebaine.

38 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
39 phenylpropanolamine product" means a product that contains ephedrine,
40 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
41 all of the following:

- 42 (a) Approved for sale under the federal act.
- 43 (b) Labeled, advertised and marketed only for an indication that is
44 approved by the federal food and drug administration.

1 (c) Either:

2 (i) A nonliquid that is sold in package sizes of not more than
3 three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
4 phenylpropanolamine and that is packaged in blister packs containing not
5 more than two dosage units or, if the use of blister packs is technically
6 infeasible, that is packaged in unit dose packets or pouches.

7 (ii) A liquid that is sold in package sizes of not more than three
8 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
9 phenylpropanolamine.

10 23. "Peyote" means any part of a plant of the genus *Lophophora*,
11 known as the mescal button.

12 24. "Pharmacy" means a licensed business where drugs are compounded
13 or dispensed by a licensed pharmacist.

14 25. "Practitioner" means a person licensed to prescribe and
15 administer drugs.

16 26. "Precursor chemical I" means any material, compound, mixture or
17 preparation which contains any quantity of the following substances and
18 their salts, optical isomers or salts of optical isomers:

19 (a) N-acetylanthranilic acid.

20 (b) Anthranilic acid.

21 (c) Ephedrine.

22 (d) Ergotamine.

23 (e) Isosafrole.

24 (f) Lysergic acid.

25 (g) Methylamine.

26 (h) N-ethylephedrine.

27 (i) N-ethylpseudoephedrine.

28 (j) N-methylephedrine.

29 (k) N-methylpseudoephedrine.

30 (l) Norephedrine.

31 (m) (-)-Norpseudoephedrine.

32 (n) Phenylacetic acid.

33 (o) Phenylpropanolamine.

34 (p) Piperidine.

35 (q) Pseudoephedrine.

36 27. "Precursor chemical II" means any material, compound, mixture
37 or preparation which contains any quantity of the following substances and
38 their salts, optical isomers or salts of optical isomers:

39 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.

40 (b) 4-cyano-1-methyl-4-phenylpiperidine.

41 (c) Chlorephedrine.

42 (d) Chlorpseudoephedrine.

43 (e) Ethyl-4-phenylpiperidine-4-carboxylate.

44 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.

45 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.

1 (h) N-formyl amphetamine.

2 (i) N-formyl methamphetamine.

3 (j) Phenyl-2-propanone.

4 (k) 1-piperidinocyclohexane carbonitrile.

5 (l) 1-pyrrolidinocyclohexane carbonitrile.

6 28. "Prescription-only drug" does not include a dangerous drug or
7 narcotic drug but means:

8 (a) Any drug which because of its toxicity or other potentiality
9 for harmful effect, or the method of its use, or the collateral measures
10 necessary to its use, is not generally recognized among experts, qualified
11 by scientific training and experience to evaluate its safety and efficacy,
12 as safe for use except by or under the supervision of a medical
13 practitioner.

14 (b) Any drug that is limited by an approved new drug application
15 under the federal act or section 32-1962 to use under the supervision of a
16 medical practitioner.

17 (c) Every potentially harmful drug, the labeling of which does not
18 bear or contain full and adequate directions for use by the consumer.

19 (d) Any drug required by the federal act to bear on its label the
20 legend "Caution: Federal law prohibits dispensing without prescription"
21 or "Rx only".

22 29. "Produce" means grow, plant, cultivate, harvest, dry, process
23 or prepare for sale.

24 30. "Regulated chemical" means the following substances in bulk
25 form that are not a useful part of an otherwise lawful product:

26 (a) Acetic anhydride.

27 (b) Hypophosphorous acid.

28 (c) Iodine.

29 (d) Sodium acetate.

30 (e) Red phosphorus.

31 (f) Gamma butyrolactone (GBL).

32 (g) 1, 4-butanediol.

33 (h) Butyrolactone.

34 (i) 1, 2 butanolide.

35 (j) 2-oxanalone.

36 (k) Tetrahydro-2-furanone.

37 (l) Dihydro-2(3H)-furanone.

38 (m) Tetramethylene glycol.

39 31. "Retailer" means either:

40 (a) A person other than a practitioner who sells any precursor
41 chemical or regulated chemical to another person for purposes of
42 consumption and not resale, whether or not the person possesses a permit
43 issued pursuant to title 32, chapter 18.

44 (b) A person other than a manufacturer or wholesaler who purchases,
45 receives or acquires more than twenty-four grams of a precursor chemical.

- 1 32. "Sale" or "sell" means an exchange for anything of value or
2 advantage, present or prospective.
- 3 33. "Sale for personal use" means the retail sale for a legitimate
4 medical use in a single transaction to an individual customer, to an
5 employer for dispensing to employees from first aid kits or medicine
6 chests or to a school for administration pursuant to section 15-344.
- 7 34. "Scientific purpose" means research, teaching or chemical
8 analysis.
- 9 35. "Suspicious transaction" means a transaction to which any of
10 the following applies:
11 (a) A report is required under the federal act.
12 (b) The circumstances would lead a reasonable person to believe
13 that any person is attempting to possess a precursor chemical or regulated
14 chemical for the purpose of unlawful manufacture of a dangerous drug or
15 narcotic drug, based on such factors as the amount involved, the method of
16 payment, the method of delivery and any past dealings with any
17 participant.
18 (c) The transaction involves payment for precursor or regulated
19 chemicals in cash or money orders in a total amount of more than ~~two~~
20 ~~hundred dollars~~ \$200.
21 (d) The transaction involves a sale, a transfer or furnishing to a
22 retailer for resale without a prescription of ephedrine, pseudoephedrine,
23 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
24 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
25 product.
- 26 36. "Threshold amount" means a weight, market value or other form
27 of measurement of an unlawful substance as follows:
28 (a) One gram of heroin.
29 (b) Nine grams of cocaine.
30 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
31 cocaine.
32 (d) Four grams or 50 milliliters of PCP.
33 (e) Nine grams of methamphetamine, including methamphetamine in
34 liquid suspension.
35 (f) Nine grams of amphetamine, including amphetamine in liquid
36 suspension.
37 (g) One-half milliliter of lysergic acid diethylamide, or in the
38 case of blotter dosage units fifty dosage units.
39 (h) Two pounds of marijuana.
40 (i) ONE-QUARTER MILLIGRAM OF CARFENTANIL.
41 (j) TWO MILLIGRAMS OF FENTANYL.
42 (k) ONE-QUARTER MILLIGRAM OF A FENTANYL MIMETIC SUBSTANCE.

1 ~~(j)~~ (l) For any combination consisting solely of those unlawful
2 substances listed in subdivisions (a) through ~~(j)~~ (k) of this paragraph,
3 an amount equal to or in excess of the threshold amount, as determined by
4 the application of section 13-3420.

5 ~~(j)~~ (m) For any unlawful substance not listed in subdivisions (a)
6 through ~~(j)~~ (k) of this paragraph or any combination involving any
7 unlawful substance not listed in subdivisions (a) through ~~(j)~~ (k) of this
8 paragraph, a value of at least ~~one thousand dollars~~ \$1,000.

9 37. "Transfer" means furnish, deliver or give away.

10 38. "Vapor-releasing substance containing a toxic substance" means
11 a material which releases vapors or fumes containing any of the following:

12 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
13 isophorone and mesityl oxide.

14 (b) Hydrocarbons, including propane, butane, pentane, hexane,
15 heptane and halogenated hydrocarbons.

16 (c) Ethylene dichloride.

17 (d) Pentachlorophenol.

18 (e) Chloroform.

19 (f) Methylene chloride.

20 (g) Trichloroethylene.

21 (h) Difluoroethane.

22 (i) Tetrafluoroethane.

23 (j) Aldehydes, including formaldehyde.

24 (k) Acetates, including ethyl acetate and butyl acetate.

25 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
26 cumene.

27 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
28 alcohol, butyl alcohol and diacetone alcohol.

29 (n) Ether, including Diethyl ether and petroleum ether.

30 (o) Nitrous oxide.

31 (p) Amyl nitrite.

32 (q) Isobutyl nitrite.

33 39. "Weight" unless otherwise specified includes the entire weight
34 of any mixture or substance that contains a detectable amount of an
35 unlawful substance. If a mixture or substance contains more than one
36 unlawful substance, the weight of the entire mixture or substance is
37 assigned to the unlawful substance that results in the greater offense.
38 If a mixture or substance contains lysergic acid diethylamide, the offense
39 that results from the unlawful substance shall be based on the greater
40 offense as determined by the entire weight of the mixture or substance or
41 the number of blotter dosage units. For the purposes of this paragraph,
42 "mixture" means any combination of substances from which the unlawful
43 substance cannot be removed without a chemical process.

1 40. "Wholesaler" means a person who in the usual course of business
2 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or
3 regulated chemicals that he himself has not produced or prepared, but not
4 to a person for the purpose of consumption by the person, whether or not
5 the wholesaler has a permit that is issued pursuant to title 32,
6 chapter 18. Wholesaler includes a person who sells, delivers or dispenses
7 a precursor chemical in an amount or under circumstances that would
8 require registration as a distributor of precursor chemicals under the
9 federal act.

10 Sec. 3. Section 13-3408, Arizona Revised Statutes, is amended to
11 read:

12 13-3408. Possession, use, administration, acquisition, sale,
13 manufacture or transportation of narcotic drugs;
14 classification

15 A. Except as provided in section 36-2850, paragraph 16, subdivision
16 (b), section 36-2852 and section 36-2853, subsection C, a person shall not
17 knowingly:

- 18 1. Possess or use a narcotic drug.
- 19 2. Possess a narcotic drug for sale.
- 20 3. Possess equipment or chemicals, or both, for the purpose of
21 manufacturing a narcotic drug.
- 22 4. Manufacture a narcotic drug.
- 23 5. Administer a narcotic drug to another person.
- 24 6. Obtain or procure the administration of a narcotic drug by
25 fraud, deceit, misrepresentation or subterfuge.
- 26 7. Transport for sale, import into this state, offer to transport
27 for sale or import into this state, sell, transfer or offer to sell or
28 transfer a narcotic drug.

29 B. A person who violates:

- 30 1. Subsection A, paragraph 1 of this section is guilty of a class 4
31 felony.
- 32 2. Subsection A, paragraph 2 of this section is guilty of a class 2
33 felony.
- 34 3. Subsection A, paragraph 3 of this section is guilty of a class 3
35 felony.
- 36 4. Subsection A, paragraph 4 of this section is guilty of a class 2
37 felony.
- 38 5. Subsection A, paragraph 5 of this section is guilty of a class 2
39 felony.
- 40 6. Subsection A, paragraph 6 of this section is guilty of a class 3
41 felony.
- 42 7. Subsection A, paragraph 7 of this section is guilty of a class 2
43 felony.

1 C. A person who is convicted of a violation of subsection A,
2 paragraph 1, 3 or 6 of this section and who has not previously been
3 convicted of any felony or who has not been sentenced pursuant to section
4 13-703, section 13-704, subsection A, B, C, D or E, section 13-706,
5 subsection A, section 13-708, subsection D or any other provision of law
6 making the convicted person ineligible for probation is eligible for
7 probation.

8 D. EXCEPT AS PROVIDED IN SUBSECTION E OF THIS SECTION, if the
9 aggregate amount of narcotic drugs involved in one offense or all of the
10 offenses that are consolidated for trial equals or exceeds the statutory
11 threshold amount, a person who is convicted of a violation of subsection
12 A, paragraph 2, 4, 5 or 7 of this section is not eligible for suspension
13 of sentence, probation, pardon or release from confinement on any basis
14 until the person has served the sentence imposed by the court, the person
15 is eligible for release pursuant to section 41-1604.07 or the sentence is
16 commuted.

17 ~~E. A person who is convicted of a violation of subsection A,
18 paragraph 4 of this section is not eligible for suspension of sentence,
19 probation, pardon or release from confinement on any basis until the
20 person has served the sentence imposed by the court, the person is
21 eligible for release pursuant to section 41-1604.07 or the sentence is
22 commuted.~~

23 E. IF A PERSON IS CONVICTED OF A VIOLATION OF SUBSECTION A,
24 PARAGRAPH 2, 4, 5 OR 7 OF THIS SECTION AND THE DRUG INVOLVED IS HEROIN,
25 CARFENTANIL, FENTANYL OR A FENTANYL MIMETIC SUBSTANCE, THE PERSON SHALL BE
26 SENTENCED AS FOLLOWS:

27	<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
28	5 CALENDAR YEARS	10 CALENDAR YEARS	15 CALENDAR YEARS

29 A PERSON WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
30 SUBSECTION A, PARAGRAPH 2, 4, 5 OR 7 OF THIS SECTION INVOLVING HEROIN,
31 CARFENTANIL, FENTANYL OR FENTANYL MIMETIC SUBSTANCES OR SECTION 13-3408.01
32 SHALL BE SENTENCED AS FOLLOWS:

33	<u>MINIMUM</u>	<u>PRESUMPTIVE</u>	<u>MAXIMUM</u>
34	10 CALENDAR YEARS	15 CALENDAR YEARS	20 CALENDAR YEARS

35 F. In addition to any other penalty prescribed by this title, the
36 court shall order a person who is convicted of a violation of this section
37 to pay a fine of not less than \$2,000 or three times the value as
38 determined by the court of the narcotic drugs involved in or giving rise
39 to the charge, whichever is greater, and not more than the maximum
40 authorized by chapter 8 of this title. A judge shall not suspend any part
41 or all of the imposition of any fine required by this subsection.

42 G. A person who is convicted of a violation of this section for
43 which probation or release before the expiration of the sentence imposed
44 by the court is authorized is prohibited from using any marijuana,
45 dangerous drug, narcotic drug or prescription-only drug except as lawfully

1 administered by a health care practitioner and as a condition of any
2 probation or release shall be required to submit to drug testing
3 administered under the supervision of the probation department of the
4 county or the state department of corrections, as appropriate, during the
5 duration of the term of probation or before the expiration of the sentence
6 imposed.

7 H. If a person who is convicted of a violation of this section is
8 granted probation, the court shall order that as a condition of probation
9 the person perform not less than three hundred sixty hours of community
10 restitution with an agency or organization that provides counseling,
11 rehabilitation or treatment for alcohol or drug abuse, an agency or
12 organization that provides medical treatment to persons who abuse
13 controlled substances, an agency or organization that serves persons who
14 are victims of crime or any other appropriate agency or organization.

15 I. THE PRESUMPTIVE TERM IMPOSED PURSUANT TO SUBSECTION E OF THIS
16 SECTION MAY BE MITIGATED OR AGGRAVATED PURSUANT TO SECTION 13-701,
17 SUBSECTIONS D AND E.

18 Sec. 4. Title 13, chapter 34, Arizona Revised Statutes, is amended
19 by adding section 13-3408.01, to read:

20 13-3408.01. Manufacturing carfentanil, fentanyl or fentanyl
21 mimetic substances under circumstances that
22 cause physical injury to a minor;
23 classification

24 A. A PERSON SHALL NOT KNOWINGLY MANUFACTURE CARFENTANIL, FENTANYL
25 OR FENTANYL MIMETIC SUBSTANCES UNDER ANY CIRCUMSTANCE THAT CAUSES PHYSICAL
26 INJURY TO A MINOR WHO IS UNDER FIFTEEN YEARS OF AGE.

27 B. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 2 FELONY
28 AND IS PUNISHABLE AS PROVIDED BY SECTION 13-705.