

REFERENCE TITLE: fentanyl; threshold amount; one pill

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1614

Introduced by
Senator Wadsack

AN ACT

AMENDING SECTION 13-3401, ARIZONA REVISED STATUTES; RELATING TO DRUG
OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 13-3401, Arizona Revised Statutes, is amended to
3 read:

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Administer" means to apply, inject or facilitate the inhalation
7 or ingestion of a substance to the body of a person.

8 2. "Amidone" means any substance identified chemically as
9 (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance,
10 by whatever trade name designated.

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

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

14 (a) The resin extracted from any part of a plant of the genus
15 cannabis, and every compound, manufacture, salt, derivative, mixture or
16 preparation of such plant, its seeds or its resin. Cannabis does not
17 include oil or cake made from the seeds of such plant, any fiber,
18 compound, manufacture, salt, derivative, mixture or preparation of the
19 mature stalks of such plant except the resin extracted from the stalks or
20 any fiber, oil or cake or the sterilized seed of such plant which is
21 incapable of germination.

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

24 5. "Coca leaves" means cocaine, its optical isomers and any
25 compound, manufacture, salt, derivative, mixture or preparation of coca
26 leaves, except derivatives of coca leaves which do not contain cocaine,
27 ecgonine or substances from which cocaine or ecgonine may be synthesized
28 or made.

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

31 (a) Any material, compound, mixture or preparation that contains
32 any quantity of the following hallucinogenic substances and their salts,
33 isomers, whether optical, positional or geometric, and salts of isomers,
34 unless specifically excepted, whenever the existence of such salts,
35 isomers and salts of isomers is possible within the specific chemical
36 designation:

37 (i) Alpha-ethyltryptamine.

38 (ii) Alpha-methyltryptamine.

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

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

41 (v) Aminorex.

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

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

44 (viii) Bufotenine.

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

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

1 (xlvii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
2 and isomers).
3 (xlviii) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and
4 isomers).
5 (xlix) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
6 (JWH-015 and isomers).
7 (l) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-
8 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210).
9 (li) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
10 (CP 47,497 and isomers).
11 (lii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
12 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
13 (b) Any material, compound, mixture or preparation that contains
14 any quantity of cannabimimetic substances and their salts, isomers,
15 whether optical, positional or geometric, and salts of isomers, unless
16 specifically excepted, whenever the existence of such salts, isomers and
17 salts of isomers is possible within the specific chemical designation.
18 For the purposes of this subdivision, "cannabimimetic substances" means
19 any substances within the following structural classes:
20 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
21 5-position of the phenolic ring by alkyl or alkenyl, whether or not
22 substituted on the cyclohexyl ring to any extent. Substances in the
23 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497,
24 CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.
25 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by
26 substitution at the nitrogen atom of the indole ring, whether or not
27 further substituted on the indole ring to any extent, whether or not
28 substituted on the naphthoyl or naphthyl ring to any extent. Substances
29 in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201,
30 JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020,
31 JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072,
32 JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096,
33 JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180,
34 JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194,
35 JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212,
36 JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242,
37 JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399,
38 JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.
39 (iii) 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole by
40 substitution at one or both of the nitrogen atoms of the indazole ring,
41 whether or not further substituted on the indazole ring to any extent,
42 whether or not substituted on the naphthoyl ring to any extent.
43 Substances in the 3-naphthoyl-indazole or 3-(naphthylmethane)-indazole
44 generic definition include THJ2201 and THJ-018.

1 (iv) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of
2 the pyrrole ring, whether or not further substituted in the pyrrole ring
3 to any extent, whether or not substituted on the naphthoyl ring to any
4 extent. Substances in the 3-(naphthoyl)pyrrole generic definition include
5 JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244,
6 JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348,
7 JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371,
8 JWH-373 and JWH-392.

9 (v) 1-(naphthylmethylene)indene by substitution of the 3-position
10 of the indene ring, whether or not further substituted in the indene ring
11 to any extent, whether or not substituted on the naphthyl ring to any
12 extent. Substances in the 1-(naphthylmethylene)indene generic definition
13 include JWH-176.

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

23 (vii) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone)
24 indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen
25 atom of the indole ring, whether or not further substituted in the indole
26 ring to any extent, whether or not substituted on the cyclopropyl,
27 cyclobutyl or cyclopentyl rings to any extent. Substances in the
28 3-(cyclopropylmethanone) indole generic definition include UR-144,
29 fluoro-UR-144 and XLR-11.

30 (viii) 3-adamantoylindole with substitution at the nitrogen atom of
31 the indole ring, whether or not further substituted on the indole ring to
32 any extent, whether or not substituted on the adamantyl ring to any
33 extent. Substances in the 3-adamantoylindole generic definition include
34 AB-001.

35 (ix) N-(adamantyl)-indole-3-carboxamide with substitution at the
36 nitrogen atom of the indole ring, whether or not further substituted on
37 the indole ring to any extent, whether or not substituted on the adamantyl
38 ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide
39 generic definition include SDB-001.

40 (x) Indole-3-carboxamide or indazole-3-carboxamide with
41 substitution at the nitrogen atom of the indole ring or by substitution at
42 one or both of the nitrogen atoms of the indazole ring, whether or not
43 further substituted on the indole ring or the indazole ring to any extent,
44 whether or not substituted on the nitrogen of the carboxamide to any
45 extent. Substances in the indole-3-carboxamide or indazole-3-carboxamide

1 generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA,
2 AB-FUBINACA, ABICA and ADBICA.

3 (xi) 8-Quinolinyln-indole-3-carboxylate or 8-quinolinyln-indazole-3-
4 carboxylate by substitution at the nitrogen atom of the indole ring or by
5 substitution at one or both of the nitrogen atoms of the indazole ring,
6 whether or not further substituted in the indole ring or indazole ring to
7 any extent, whether or not substituted on the quinoline ring to any
8 extent. Substances in the 8-quinolinyln-indole-3-carboxylate or the
9 8-quinolinyln-indazole-3-carboxylate generic definition include PB-22,
10 fluoro-PB-22, NPB-22 and fluoro-NPB-22.

11 (xii) Naphthalenyl-indole-3-carboxylate or naphthalenyl-indazole-3-
12 carboxylate by substitution at the nitrogen atom of the indole ring or by
13 substitution at one or both of the nitrogen atoms of the indazole ring,
14 whether or not further substituted in the indole or indazole ring to any
15 extent, whether or not substituted on the naphthalenyl ring to any extent.
16 Substances in the naphthalenyl-indole-3-carboxylate or
17 naphthalenyl-indazole-3-carboxylate generic definition include NM2201,
18 FDU-PB-22, SDB-005 and fluoro SDB-005.

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

24 (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

25 (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

26 (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

27 (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).

28 (v) Aminoindane mimetic substances that are derived from
29 aminoindane by any substitution at the indane ring, replacement of the
30 amino group with another N group or any combination of the above.
31 Substances in the aminoindane generic definition include MDAI, MMAI, IAI
32 and AMMI.

33 (vi) Amphetamine.

34 (vii) Benzphetamine.

35 (viii) Benzylpiperazine (BZP).

36 (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

37 (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

38 (xi) Butorphanol.

39 (xii) Cathine ((+)-norpseudoephedrine).

40 (xiii) Cathinomimetic substances that are any substances derived
41 from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the
42 phenyl ring, any substitution at the 3 position, any substitution at the
43 nitrogen atom or any combination of the above substitutions.

44 (xiv) Cathinone.

45 (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).

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

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

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

1 (lxviii) Triazolam.

2 (lxix) Zaleplon.

3 (lxx) Zolazepam.

4 (lxxi) Zolpidem.

5 (lxxii) Zopiclone.

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

9 (i) Boldenone.

10 (ii) Clostebol (4-chlorotestosterone).

11 (iii) Dehydrochloromethyltestosterone.

12 (iv) Drostanolone.

13 (v) Ethylestrenol.

14 (vi) Fluoxymesterone.

15 (vii) Formebolone (formebolone).

16 (viii) Mesterolone.

17 (ix) Methandriol.

18 (x) Methandrostenolone (methandienone).

19 (xi) Methenolone.

20 (xii) Methyltestosterone.

21 (xiii) Mibolerone.

22 (xiv) Nandrolone.

23 (xv) Norethandrolon.

24 (xvi) Oxandrolone.

25 (xvii) Oxymesterone.

26 (xviii) Oxymetholone.

27 (xix) Stanolone (4-dihydrotestosterone).

28 (xx) Stanozolol.

29 (xxi) Testolactone.

30 (xxii) Testosterone.

31 (xxiii) Trenbolone.

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

35 8. "Director" means the director of the department of health
36 services.

37 9. "Dispense" means distribute, leave with, give away, dispose of
38 or deliver.

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

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

5 12. "Federal act" has the same meaning prescribed in section
6 32-1901.

7 13. "Isoamidone" means any substance identified chemically as
8 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
9 substance, by whatever trade name designated.

10 14. "Isonipecaine" means any substance identified chemically as
11 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt
12 of such substance, by whatever trade name designated.

13 15. "Ketobemidone" means any substance identified chemically as
14 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or
15 any salt of such substance, by whatever trade name designated.

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

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

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

29 19. "Marijuana" means all parts of any plant of the genus cannabis,
30 from which the resin has not been extracted, whether growing or not, and
31 the seeds of such plant. Marijuana does not include the mature stalks of
32 such plant or the sterilized seed of such plant which is incapable of
33 germination.

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

- 37 (a) Acetyl-alpha-methylfentanyl.
- 38 (b) Acetylmethadol.
- 39 (c) Alfentanil.
- 40 (d) Allylprodine.
- 41 (e) Alphacetylmethadol.
- 42 (f) Alphameprodine.
- 43 (g) Alphamethadol.
- 44 (h) Alpha-methylfentanyl.
- 45 (i) Alpha-methylthiofentanyl.

- 1 (j) Alphaprodine.
- 2 (k) Amidone (methadone).
- 3 (l) Anileridine.
- 4 (m) Benzethidine.
- 5 (n) Benzylfentanyl.
- 6 (o) Betacetylmethadol.
- 7 (p) Beta-hydroxyfentanyl.
- 8 (q) Beta-hydroxy-3-methylfentanyl.
- 9 (r) Betameprodine.
- 10 (s) Betamethadol.
- 11 (t) Betaprodine.
- 12 (u) Bezitramide.
- 13 (v) Buprenorphine and its salts.
- 14 (w) Cannabis.
- 15 (x) Carfentanil.
- 16 (y) 4-chloro-n-[-1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]benz
- 17 enesulfonamide (W-18).
- 18 (z) 4-chloro-n-[1-(2-phenylethyl)-2-piperidinylidene]
- 19 benzenesulfonamide (W-15).
- 20 (aa) Clonitazene.
- 21 (bb) Coca leaves.
- 22 (cc) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45).
- 23 (dd) Dextromoramide.
- 24 (ee) Dextropropoxyphene.
- 25 (ff) Diampromide.
- 26 (gg) 3,4-dichloro-n-(-[1-(dimethylamino)cyclohexyl]methyl)-benzamid
- 27 e (AH-7921).
- 28 (hh) 3,4-dichloro-n-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide
- 29 (U-47700).
- 30 (ii) Diethylthiambutene.
- 31 (jj) Difenoxyin.
- 32 (kk) Dihydrocodeine.
- 33 (ll) Dimenoxadol.
- 34 (mm) Dimepheptanol.
- 35 (nn) Dimethylthiambutene.
- 36 (oo) Dioxaphetyl butyrate.
- 37 (pp) Diphenidine (DEP).
- 38 (qq) Diphenoxylate.
- 39 (rr) Dipipanone.
- 40 (ss) Ephedrine.
- 41 (tt) Ethylmethylthiambutene.
- 42 (uu) Etonitazene.
- 43 (vv) Etoxeridine.
- 44 (ww) Fentanyl.

- 1 (xx) Fentanyl mimetic substances that are any substances derived
 2 from fentanyl by any substitution in the phenethyl group, any substitution
 3 in the piperidine ring, any substitution in the aniline ring, any
 4 replacement of the phenyl portion of the phenethyl group, any replacement
 5 of the N-propionyl group or any combination of the above.
- 6 (yy) Furethidine.
 7 (zz) Hydroxypethidine.
 8 (aaa) Isoamidone (isomethadone).
 9 (bbb) Isophenidine.
 10 (ccc) Pethidine (meperidine).
 11 (ddd) Ketobemidone.
 12 (eee) Lefetamine.
 13 (fff) Levomethorphan.
 14 (ggg) Levomoramide.
 15 (hhh) Levophenacymorphan.
 16 (iii) Levorphanol.
 17 (jjj) Metazocine.
 18 (kkk) Methoxphenidine (MXP).
 19 (lll) 3-methylfentanyl.
 20 (mmm) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
 21 (nnn) 3-methylthiofentanyl.
 22 (ooo) Morpheridine.
 23 (ppp) Noracymethadol.
 24 (qqq) Norlevorphanol.
 25 (rrr) Normethadone.
 26 (sss) Norpipanone.
 27 (ttt) Opium.
 28 (uuu) Para-fluorofentanyl.
 29 (vvv) Pentazocine.
 30 (www) Phenadoxone.
 31 (xxx) Phenampromide.
 32 (yyy) Phenazocine.
 33 (zzz) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
 34 (aaaa) Phenomorphan.
 35 (bbbb) Phenoperidine.
 36 (cccc) Piminodine.
 37 (dddd) Piritramide.
 38 (eeee) Proheptazine.
 39 (ffff) Properidine.
 40 (gggg) Propiram.
 41 (hhhh) Racemethorphan.
 42 (iiii) Racemoramide.
 43 (jjjj) Racemorphan.
 44 (kkkk) Remifentanil.
 45 (llll) Sufentanil.

- 1 (mmm) Thenylfentanyl.
- 2 (nnn) Thiofentanyl.
- 3 (ooo) Tilidine.
- 4 (ppp) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)
- 5 cyclohexanol, and its salts, optical and geometric isomers, and its salts
- 6 of isomers.
- 7 (qqq) Trimeperidine.
- 8 21. "Opium" means any compound, manufacture, salt, isomer, salt of
- 9 isomer, derivative, mixture or preparation of the following, but does not
- 10 include apomorphine or any of its salts:
- 11 (a) Acetorphine.
- 12 (b) Acetyldihydrocodeine.
- 13 (c) Benzylmorphine.
- 14 (d) Codeine.
- 15 (e) Codeine methylbromide.
- 16 (f) Codeine-N-oxide.
- 17 (g) Cyprenorphine.
- 18 (h) Desomorphine.
- 19 (i) Dihydromorphine.
- 20 (j) Drotebanol.
- 21 (k) Ethylmorphine.
- 22 (l) Etorphine.
- 23 (m) Heroin.
- 24 (n) Hydrocodone.
- 25 (o) Hydromorphinol.
- 26 (p) Hydromorphone.
- 27 (q) Levo-alphaacetylmethadol.
- 28 (r) Methyldesorphine.
- 29 (s) Methyldihydromorphine.
- 30 (t) Metopon.
- 31 (u) Morphine.
- 32 (v) Morphine methylbromide.
- 33 (w) Morphine methylsulfonate.
- 34 (x) Morphine-N-oxide.
- 35 (y) Myrophine.
- 36 (z) Nalorphine.
- 37 (aa) Nicocodeine.
- 38 (bb) Nicomorphine.
- 39 (cc) Normorphine.
- 40 (dd) Oxycodone.
- 41 (ee) Oxymorphone.
- 42 (ff) Pholcodine.
- 43 (gg) Thebacon.
- 44 (hh) Thebaine.

- 1 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
2 phenylpropanolamine product" means a product that contains ephedrine,
3 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
4 all of the following:
- 5 (a) Approved for sale under the federal act.
 - 6 (b) Labeled, advertised and marketed only for an indication that is
7 approved by the federal food and drug administration.
 - 8 (c) Either:
 - 9 (i) A nonliquid that is sold in package sizes of not more than
10 three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
11 phenylpropanolamine and that is packaged in blister packs containing not
12 more than two dosage units or, if the use of blister packs is technically
13 infeasible, that is packaged in unit dose packets or pouches.
 - 14 (ii) A liquid that is sold in package sizes of not more than three
15 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
16 phenylpropanolamine.
- 17 23. "Peyote" means any part of a plant of the genus *Lophophora*,
18 known as the mescal button.
- 19 24. "Pharmacy" means a licensed business where drugs are compounded
20 or dispensed by a licensed pharmacist.
- 21 25. "Practitioner" means a person licensed to prescribe and
22 administer drugs.
- 23 26. "Precursor chemical I" means any material, compound, mixture or
24 preparation which contains any quantity of the following substances and
25 their salts, optical isomers or salts of optical isomers:
- 26 (a) N-acetylanthranilic acid.
 - 27 (b) Anthranilic acid.
 - 28 (c) Ephedrine.
 - 29 (d) Ergotamine.
 - 30 (e) Isosafrole.
 - 31 (f) Lysergic acid.
 - 32 (g) Methylamine.
 - 33 (h) N-ethylephedrine.
 - 34 (i) N-ethylpseudoephedrine.
 - 35 (j) N-methylephedrine.
 - 36 (k) N-methylpseudoephedrine.
 - 37 (l) Norephedrine.
 - 38 (m) (-)-Norpseudoephedrine.
 - 39 (n) Phenylacetic acid.
 - 40 (o) Phenylpropanolamine.
 - 41 (p) Piperidine.
 - 42 (q) Pseudoephedrine.

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

- 4 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 5 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 6 (c) Chlorephedrine.
- 7 (d) Chlorpseudoephedrine.
- 8 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 9 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 10 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 11 (h) N-formyl amphetamine.
- 12 (i) N-formyl methamphetamine.
- 13 (j) Phenyl-2-propanone.
- 14 (k) 1-piperidinocyclohexane carbonitrile.
- 15 (l) 1-pyrrolidinocyclohexane carbonitrile.

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

18 (a) Any drug which because of its toxicity or other potentiality
19 for harmful effect, or the method of its use, or the collateral measures
20 necessary to its use, is not generally recognized among experts, qualified
21 by scientific training and experience to evaluate its safety and efficacy,
22 as safe for use except by or under the supervision of a medical
23 practitioner.

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

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

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

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

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

- 36 (a) Acetic anhydride.
- 37 (b) Hypophosphorous acid.
- 38 (c) Iodine.
- 39 (d) Sodium acetate.
- 40 (e) Red phosphorus.
- 41 (f) Gamma butyrolactone (GBL).
- 42 (g) 1, 4-butanediol.
- 43 (h) Butyrolactone.
- 44 (i) 1, 2 butanolide.

1 (j) 2-oxanalone.

2 (k) Tetrahydro-2-furanone.

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

4 (m) Tetramethylene glycol.

5 31. "Retailer" means either:

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

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

12 32. "Sale" or "sell" means an exchange for anything of value or
13 advantage, present or prospective.

14 33. "Sale for personal use" means the retail sale for a legitimate
15 medical use in a single transaction to an individual customer, to an
16 employer for dispensing to employees from first aid kits or medicine
17 chests or to a school for administration pursuant to section 15-344.

18 34. "Scientific purpose" means research, teaching or chemical
19 analysis.

20 35. "Suspicious transaction" means a transaction to which any of
21 the following applies:

22 (a) A report is required under the federal act.

23 (b) The circumstances would lead a reasonable person to believe
24 that any person is attempting to possess a precursor chemical or regulated
25 chemical for the purpose of unlawful manufacture of a dangerous drug or
26 narcotic drug, based on such factors as the amount involved, the method of
27 payment, the method of delivery and any past dealings with any
28 participant.

29 (c) The transaction involves payment for precursor or regulated
30 chemicals in cash or money orders in a total amount of more than \$200.

31 (d) The transaction involves a sale, a transfer or furnishing to a
32 retailer for resale without a prescription of ephedrine, pseudoephedrine,
33 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
34 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
35 product.

36 36. "Threshold amount" means a weight, market value or other form
37 of measurement of an unlawful substance as follows:

38 (a) One gram of heroin.

39 (b) Nine grams of cocaine.

40 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
41 cocaine.

42 (d) Four grams or 50 milliliters of PCP.

43 (e) Nine grams of methamphetamine, including methamphetamine in
44 liquid suspension.

- 1 (f) Nine grams of amphetamine, including amphetamine in liquid
2 suspension.
- 3 (g) One-half milliliter of lysergic acid diethylamide, or in the
4 case of blotter dosage units fifty dosage units.
- 5 (h) Two pounds of marijuana.
- 6 (i) ~~Nine grams~~ ONE PILL of fentanyl or fentanyl mimetic substances.
- 7 (j) For any combination consisting solely of those unlawful
8 substances listed in subdivisions (a) through (i) of this paragraph, an
9 amount equal to or in excess of the threshold amount, as determined by the
10 application of section 13-3420.
- 11 (k) For any unlawful substance not listed in subdivisions (a)
12 through (i) of this paragraph or any combination involving any unlawful
13 substance not listed in subdivisions (a) through (i) of this paragraph, a
14 value of at least \$1,000.
- 15 37. "Transfer" means furnish, deliver or give away.
- 16 38. "Vapor-releasing substance containing a toxic substance" means
17 a material which releases vapors or fumes containing any of the following:
- 18 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
19 isophorone and mesityl oxide.
- 20 (b) Hydrocarbons, including propane, butane, pentane, hexane,
21 heptane and halogenated hydrocarbons.
- 22 (c) Ethylene dichloride.
- 23 (d) Pentachlorophenol.
- 24 (e) Chloroform.
- 25 (f) Methylene chloride.
- 26 (g) Trichloroethylene.
- 27 (h) Difluoroethane.
- 28 (i) Tetrafluoroethane.
- 29 (j) Aldehydes, including formaldehyde.
- 30 (k) Acetates, including ethyl acetate and butyl acetate.
- 31 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
32 cumene.
- 33 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
34 alcohol, butyl alcohol and diacetone alcohol.
- 35 (n) Ether, including Diethyl ether and petroleum ether.
- 36 (o) Nitrous oxide.
- 37 (p) Amyl nitrite.
- 38 (q) Isobutyl nitrite.
- 39 39. "Weight" unless otherwise specified includes the entire weight
40 of any mixture or substance that contains a detectable amount of an
41 unlawful substance. If a mixture or substance contains more than one
42 unlawful substance, the weight of the entire mixture or substance is
43 assigned to the unlawful substance that results in the greater offense.
44 If a mixture or substance contains lysergic acid diethylamide, the offense
45 that results from the unlawful substance shall be based on the greater

1 offense as determined by the entire weight of the mixture or substance or
2 the number of blotter dosage units. For the purposes of this paragraph,
3 "mixture" means any combination of substances from which the unlawful
4 substance cannot be removed without a chemical process.

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