HOUSE BILL 33

E1 2lr1215
(PRE–FILED) CF 2lr1660

By: **Delegate Shetty**
Requested: November 1, 2021
Introduced and read first time: January 12, 2022
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Schedules – Adjustment

FOR the purpose of repealing certain lists of substances designated as controlled dangerous substances under certain schedules under the Maryland Controlled Substances Act; and generally relating to schedules of controlled dangerous substances.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–101(z) through (dd) and 5–402 through 5–406
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 5–202(a), (b), and (f)
Annotated Code of Maryland
(2021 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

5–101.

(z) "Schedule I" means **[**a list of**]** **THE** controlled dangerous substances **[**that appears**]** **DESCRIBED** in § 5–402 of this title.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(aa) "Schedule II" means **[**a list of**]** **THE** controlled dangerous substances **[**that appears**]** **DESCRIBED** in § 5–403 of this title.

(bb) "Schedule III" means **[**a list of**]** **THE** controlled dangerous substances **[**that appears**]** **DESCRIBED** in § 5–404 of this title.

(cc) "Schedule IV" means **[**a list of**]** **THE** controlled dangerous substances **[**that appears**]** **DESCRIBED** in § 5–405 of this title.

(dd) "Schedule V" means **[**a list of**]** **THE** controlled dangerous substances **[**that appears**]** **DESCRIBED** in § 5–406 of this title.

5–202.

(a) The Department shall control all substances listed in Subtitle 4 of this title.

(b) In accordance with the Administrative Procedure Act, the Department may add a substance as a controlled dangerous substance on its own initiative or on the petition of an interested party.

(f) (1) A new substance that is designated as a controlled substance under federal law is a similarly controlled dangerous substance under this title unless the Department objects to the inclusion.

(2) If the Department objects, it shall publish the reasons for the objection and give each interested party an opportunity to be heard.

(3) After the hearing, the Department shall publish its decision, which is final.

(4) An action for judicial review of a final decision made in accordance with this section does not stay the effect of the decision.

5–402.

(a) Schedule I consists of each **[**controlled dangerous substance**]**:

(1) **[**listed in**]** **CONTROLLED DANGEROUS SUBSTANCE ANALOGUE, AS DEFINED IN SUBSECTION (B) OF** this section;

(2) **CONTROLLED DANGEROUS SUBSTANCE** added to Schedule I by the Department under § 5–202(b) of this title; **[**or**]** **AND**

(3) **CONTROLLED DANGEROUS SUBSTANCE** designated as a Schedule I controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

[(b) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opiates, including their isomers, including optical and geometric isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation, are substances listed in Schedule I:

(1) acetyl–alpha–methylfentanyl (N–[1–(1–methyl–2–phenethyl)–4–piperidinyl]–N–phenylacetamide);

(2) acetylmethadol;

(3) acetyl fentanyl (N–(1–phenethylpiperidin–4–yl)–N–phenylacetamide);

(4) Acryl fentanyl (N–(1–phenethylpiperidin–4–yl)–N–phenylacrylamide;

(5) AH–7921 (3,4–dichloro–N–[(1–dimethylamino) cyclohexylmethyl]) benzamide;

(6) allylprodine;

(7) alphacetylmethadol, except levo–alphacetylmethadol;

(8) alphameprodine;

(9) alphamethadol;

(10) alpha–methylfentanyl (N–[1–(alpha–methyl–beta–phenyl)ethyl–4–piperidyl] propionanilide; 1–(1–methyl–2–phenylethyl)–4–(N–propanilido) piperidine);

(11) alpha–methylthiofentanyl (N–[1–methyl–2–(2–thienyl)ethyl–4–piperidinyl]–N–phenylpropanamide);

(12) benzethidine;

(13) betacetylmethadol;

(14) beta–hydroxyfentanyl (N–[1–(2–hydroxy–2–phenethyl)–4–piperidinyl]–N–phenylpropanamide);

(15) beta–hydroxy–3–methylfentanyl;

(16) N–[1–[2–hydroxy–2–(thiophen–2–yl)ethyl]piperidin–4–yl]–N–phenylpropionamide;

(17) betameprodine;

(18) betamethadol;

(19) betaprodine;

(20) butyryl fentanyl (N–(1–phenethylpiperidin–4–yl)–N–phenylbutyramide);

(21) clonitazene;

(22) dextromoramide;

(23) diampromide;

(24) diethylthiambutene;

(25) difenoxin;

(26) dimenoxadol;

(27) dimepheptanol;

(28) dimethylthiambutene;

(29) dioxaphetyl butyrate;

(30) dipipanone;

(31) ethylmethylthiambutene;

(32) etonitazene;

(33) etoxeridine;

(34) 4–Fluoroisobutyryl fentanyl (N–(4–fluorophenyl)–N–(1–phenethylpiperidin–4–yl)isobutyramide;

(35) furanyl fentanyl (N–(1–phenethylpiperidin–4–yl)–N–phenylfuran–2–carboxamide);

(36) furethidine;

(37) hydroxypethidine;

(38) ketobemidone;

(39) levomoramide;

(40) levophenacylmorphan;

(41) 3–methylfentanyl (N–[3–methyl–1–(2–phenylethyl)–4–piperidyl]–N–phenylpropanamide);

(42) 3–methylthiofentanyl;

(43) morpheridine;

(44) MPPP (1–methyl–4–phenyl–4–propionoxypiperidine);

(45) mt–45 (1–cyclohexyl–4–(1,2–diphenylethyl)piperazine);

(46) noracymethadol;

(47) norlevorphanol;

(48) normethadone;

(49) norpipanone;

(50) ocfentanil (N–(2–fluorophenyl)–2–methoxy–N–(1–phenethylpiperidin–4–yl)acetamide);

(51) para–fluorofentanyl (N–(4–fluorophenyl)–N–[1–(2–phenethyl)–4–piperidinyl] propanamide;

(52) PEPAP (1–(–2–phenethyl)–4–phenyl–4–acetoxypiperidine);

(53) phenadoxone;

(54) phenampromide;

(55) phenomorphan;

(56) phenoperidine;

(57) piritramide;

(58) proheptazine;

(59) properidine;

(60) propiram;

(61) racemoramide;

(62) tetrahydrofuranyl fentanyl (N–(1–phenethylpiperidin–4–yl)–N–phenyltetrahydrofuran–2–carboxamide);

(63) thiofentanyl;

(64) tilidine;

(65) trimeperidine; and

(66) U–47700 (3,4–dichloro–N–[2–(dimethylamino)cyclohexyl]–N–methylbenzamide).

(c) Unless specifically excepted under this subtitle or listed in another schedule, any of the following opium derivatives, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, are substances listed in Schedule I:

(1) acetorphine;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(4) codeine methylbromide;

(5) codeine–N–oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) drotebanol;

(10) etorphine (except hydrochloride salt);

(11) heroin;

(12) hydromorphinol;

(13) methyldesorphine;

(14) methyldihydromorphine;

(15) morphine methylbromide;

(16) morphine methylsulfonate;

(17) morphine–N–oxide;

(18) myrophine;

(19) nicocodeine;

(20) nicomorphine;

(21) normorphine;

(22) pholcodine; and

(23) thebacon.

(d) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances, or that contains any of its salts, isomers, including optical, position, and geometric isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) alpha–ethyltryptamine;

(2) 4–bromo–2,5–dimethoxy–amphetamine;

(3) 4–bromo–2,5–dimethoxyphenethylamine;

(4) 2,5–dimethoxyamphetamine;

(5) 2,5–dimethoxy–4–ethylamphetamine (DOET);

(6) 2,5–dimethoxy–4–(n)–propylthiophenethylamine (2C–T–7);

(7) 4–methoxyamphetamine (PMA);

(8) 5–methoxy–3,4–methylenedioxy–amphetamine;

(9) 4–methyl–2,5–dimethoxy–amphetamine;

(10) 3,4–methylenedioxy amphetamine;

(11) 3,4–methylenedioxymethamphetamine (MDMA);

(12) 3,4–methylenedioxy–N–ethylamphetamine (MDA);

(13) N–hydroxy–3,4–methylenedioxyamphetamine;

(14) 3,4,5–trimethoxyamphetamine;

(15) 5–methoxy–N, N–dimethyltryptamine;

(16) alpha–methyltryptamine (AMT);

(17) bufotenine;

(18) diethyltryptamine (DET);

(19) dimethyltryptamine (DMT);

(20) 5–methoxy–N, N–diisopropyltryptamine (5–MeO–DIPT);

(21) ibogaine;

(22) lysergic acid diethylamide;

(23) marijuana;

(24) mescaline;

(25) parahexyl–7374;

(26) peyote (meaning all parts of the plant presently classified botanically as Lophophora williamsii lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or extracts);

(27) N–ethyl–3–piperidyl benzilate;

(28) N–methyl–3–piperidyl benzilate;

(29) psilocybin;

(30) psilocyn;

(31) tetrahydrocannabinols;

(32) ethylamine analog of phencyclidine (N–ethyl–1–phenylcyclohexylamine);

(33) pyrrolidine analog of phencyclidine (1–(1–phenylcyclohexyl)–pyrrolidine);

(34) thiophene analog of phencyclidine (1–[1–(2–thienyl)–cyclohexyl]–piperidine);

(35) 1–[1–(2–thienyl)cyclohexyl]pyrrolidine;

(36) 4–methylmethcathinone (mephedrone);

(37) 3, 4–methylenedioxypyrovalerone (MDPV);

(38) 2–(2,5–dimethoxy–4–ethylphenyl) ethanamine (2C–E);

(39) 2–(2,5–dimethoxy–4–methylphenyl) ethanamine (2C–D);

(40) 2–(4–chloro–2,5–dimethoxyphenyl) ethanamine (2C–C);

(41) 2–(4–iodo–2,5–dimethoxyphenyl) ethanamine (2C–I);

(42) 2–[4–(ethylthio)–2,5–dimethoxyphenyl] ethanamine (2C–T–2);

(43) 2–[4–(isopropylthio)–2,5–dimethoxyphenyl] ethanamine (2C–T–4);

(44) 2–(2,5–dimethoxyphenyl) ethanamine (2C–H);

(45) 2–(2,5–dimethoxy–4–nitro–phenyl) ethanamine (2C–N);

(46) 2–(2,5–dimethoxy–4–(n)–propylphenyl) ethanamine (2C–P);

(47) 3,4–methylenedioxy–N–methylcathinone (methylone);

(48) (1–pentyl–1H–indol–3–yl) (2,2,3,3–tetramethylcyclopropyl) methanone (UR–144);

(49) [1–(5–fluoro–pentyl)–1H–indol–3–yl](2,2,3,3–tetramethylcyclopropyl) methanone (5–fluoro–UR–144, XLR11);

(50) N–(1–adamantyl)–1–pentyl–1H–indazole–3–carboxamide (APINACA, AKB48);

(51) quinolin–8–yl 1–pentyl–1H–indole–3–carboxylate (PB–22);

(52) quinolin–8–yl 1–(5–fluoropentyl)–1H–indole–3–carboxylate (5–fluoro–PB–22);

(53) N–(1–amino–3–methyl–1–oxobutan–2–yl)–1–(4–fluorobenzyl)–1H–indazole–3–carboxamide (AB–FUBINACA);

(54) N–(1–amino–3, 3–dimethyl–1–oxobutan–2–yl)–1–pentyl–1H–indazole–3–carboxamide (ADB–PINACA);

(55) 2–(4–iodo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine (25I–NBOMe);

(56) 2–(4–chloro–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine (25C–NBOMe);

(57) 2–(4–bromo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine (25B–NBOMe);

(58) marijuana extract (meaning an extract containing one or more cannabinoids that has been derived from any plant of the genus cannabis, other than the separated resin, whether crude or purified, obtained from the plant);

(59) 4–methyl–N–ethylcathinone (4–MEC);

(60) 4–methyl–alpha–pyrrolidinopropiophenone (4–MePPP);

(61) alpha–pyrrolidinopentiophenone (alpha–PVP);

(62) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) butan–1–one (butylone);

(63) 2–(methylamino)–1–phenylpentan–1–one (pentedrone);

(64) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) pentan–1–one (pentylone);

(65) 4–fluoro–N–methylcathinone (flephedrone);

(66) 3–fluoro–N–methylcathinone (3–FMC);

(67) 1–(naphthalen–2–yl)–2–(pyrrolidin–1–yl)pentan–1–one (naphyrone);

(68) alpha–pyrrolidinobutiophenone (alpha–PBP);

(69) N–(1–amino–3–methyl–1–oxobutan–2–yl)–1–(cyclohexylmethyl)–1H–indazole–3–carboxamide (AB–CHMINACA);

(70) N–(1–amino–3–methyl–1–oxobutan–2–yl)–1–pentyl–1H–indazole–3–carboxamide (AB–PINACA);

(71) [1–(5–fluoropentyl)–1H–indazol–3–yl](naphthalen–1–yl)methanone (THJ–2201); and

(72) N–(1–amino–3,3–dimethyl–1–oxobutan–2–yl)–1–(cyclohexylmethyl)–1H–indazole–3–carboxamide (MAB–CHMINACA).

(e) Unless specifically excepted under this subtitle or listed in another schedule, a material, compound, mixture, or preparation that contains any quantity of the following substances having depressant effects on the central nervous system, or that contains its salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) gamma–hydroxybutyric acid (GHB);

(2) mecloqualone; and

(3) methaqualone.

(f) Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, or that contains its salts, isomers, or salts of isomers, is a substance listed in Schedule I:

(1) aminorex;

(2) N–benzylpiperazine (BZP);

(3) cathinone;

(4) fenethylline;

(5) methcathinone;

(6) (±)cis–4–methylaminorex ((±)cis–4,5–dihydro–4–methyl–5–phenyl–2–oxazolamine);

(7) N–ethylamphetamine; and

(8) N, N–dimethylamphetamine.

(g) Unless specifically excepted under this subtitle or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, or that contains their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, is a substance listed in Schedule I:

(1) 5–(1, 1–dimethylheptyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497);

(2) 5–(1,1–dimethyloctyl)–2–[(1R,3S)–3–hydroxycyclohexyl]–phenol (CP–47,497 C8 homolog);

(3) 1–pentyl–3–(1–naphthoyl) indole (JWH–018 and AM678);

(4) 1–butyl–3–(1–naphthoyl) indole (JWH–073);

(5) 1–hexyl–3–(1–naphthoyl) indole (JWH–019);

(6) 1–[2–(4–morpholinyl)ethyl]–3–(1–naphthoyl) indole (JWH–200);

(7) 1–pentyl–3–(2–methoxyphenylacetyl) indole (JWH–250);

(8) 1–pentyl–3–[1–(4–methoxynaphthoyl)] indole (JWH–081);

(9) 1–pentyl–3–(4–methyl–1–naphthoyl) indole (JWH–122);

(10) 1–pentyl–3–(4–chloro–1–naphthoyl) indole (JWH–398);

(11) 1–(5–fluoropentyl)–3–(1–naphthoyl) indole (AM2201);

(12) 1–(5–fluoropentyl)–3–(2–iodobenzoyl) indole (AM694);

(13) 1–pentyl–3–[(4–methoxy)–benzoyl] indole (SR–19 and RCS–4);

(14) 1–cyclohexylethyl–3–(2–methoxyphenylacetyl) indole 7008 (SR–18 and RCS–8); and

(15) 1–pentyl–3–(2–chlorophenylacetyl) indole (JWH–203).

(h)**] (B)** (1) In this subsection:

(i) "controlled dangerous substance analogue" means a substance:

1. that has a chemical structure substantially similar to the chemical structure of a controlled dangerous substance **[**listed**] DESCRIBED** in Schedule I or Schedule II; and

2. that has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance **[**listed**] DESCRIBED** in Schedule I or Schedule II; but

(ii) "controlled dangerous substance analogue" does not include:

1. a controlled dangerous substance;

2. a substance for which there is an approved new drug application; or

3. a substance exempted for investigational use under § 506 of the Federal Food, Drug, and Cosmetic Act.

(2) To the extent intended for human consumption, each controlled dangerous substance analogue is a substance **[**listed**]** **DESCRIBED** in Schedule I.

[(i)**] (C)** The Department may not add a substance to Schedule I under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) no accepted medical use in the United States for the substance; and

(3) a lack of accepted safety for use of the substance under medical supervision.

5–403.

(a) Schedule II consists of each controlled dangerous substance:

[(1) listed in this section;

(2)**] (1)** added to Schedule II by the Department under § 5–202(b) of this title; or

[(3)**] (2)** designated as a Schedule II controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

[(b) Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate excluding apomorphine, thebaine–derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, and naltrexone, and their respective salts, but including the following:

(i) codeine;

(ii) dihydroetorphine;

(iii) ethylmorphine;

(iv) etorphine hydrochloride;

(v) granulated opium;

(vi) hydrocodone;

(vii) hydromorphone;

(viii) metopon;

(ix) morphine;

(x) opium extracts;

(xi) opium fluid;

(xii) oripavine;

(xiii) oxycodone;

(xiv) oxymorphone;

(xv) powdered opium;

(xvi) raw opium;

(xvii) thebaine; and

(xviii) tincture of opium;

(2) any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in item (1) of this subsection, except that these substances may not include the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances may not include:

(i) decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(ii) ioflupane; and

(5) concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:

(1) alfentanil;

(2) alphaprodine;

(3) anileridine;

(4) bezitramide;

(5) bulk dextropropoxyphene (non–dosage forms);

(6) carfentanil;

(7) dihydrocodeine;

(8) diphenoxylate;

(9) fentanyl;

(10) isomethadone;

(11) levo–alphacetylmethadol;

(12) levomethorphan;

(13) levorphanol;

(14) metazocine;

(15) methadone;

(16) methadone – intermediate, 4–cyano–2–dimethylamino–4, 4–diphenyl butane;

(17) moramide – intermediate, 2–methyl–3–morpholino–1, 1–diphenylpropane–carboxylic acid;

(18) pethidine (meperidine);

(19) pethidine – intermediate – A, 4–cyano–1–methyl–4–phenylpiperidine;

(20) pethidine – intermediate – B, ethyl–4–phenylpiperidine–4–carboxylate;

(21) pethidine – intermediate – C, 1–methyl–4–phenylpiperidine–4–carboxylic acid;

(22) phenazocine;

(23) piminodine;

(24) racemethorphan;

(25) racemorphan;

(26) remifentanil;

(27) sulfentanil;

(28) tapentadol; and

(29) thiafentanil.

(d) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) methamphetamine, its salts, isomers, and salts of isomers;

(3) phenmetrazine and its salts;

(4) methylphenidate; and

(5) lisdexamfetamine, its salts, isomers, and salts of isomers.

(e) Unless specifically excepted under this subtitle or listed in another schedule, a substance is listed in Schedule II if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) amobarbital;

(2) glutethimide;

(3) pentobarbital;

(4) phencyclidine; and

(5) secobarbital.

(f) As listed in Schedule II under Title 21 of the Code of Federal Regulations:

(1) nabilone; and

(2) dronabinol [(–)–delta–9–trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) immediate precursor to amphetamine and methamphetamine:

(i) phenylacetone; and

(ii) reserved;

(2) immediate precursors to phencyclidine (PCP):

(i) 1–phenylcyclohexylamine; and

(ii) 1–piperidinocyclohexanecarbonitrile (PCC); and

(3) immediate precursor to fentanyl:

(i) 4–anilino–N–phenethylpiperidine (ANPP); and

(ii) reserved.

(h)**] (B)** The Department may not add a substance to Schedule II under § 5–202 of this title unless the Department finds:

(1) a high potential for abuse of the substance;

(2) currently accepted medical use of the substance in the United States, or currently accepted medical use with severe restrictions; and

(3) evidence that abuse of the substance may lead to severe psychological or physical dependence.

5–404.

(a) Schedule III consists of each controlled dangerous substance by whatever official name, common or usual name, chemical name, or brand name **[**designated**]**:

[(1) listed in this section;

(2)**] (1)** added to Schedule III by the Department under § 5–202(b) of this title; or

[(3)**] (2)** designated as a Schedule III controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

[(b) (1) Unless specifically excepted or listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:

(i) those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II, which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 1308.32 of the Code of Federal Regulations, and any other drug of the quantitative composition shown in that list for those drugs or that is the same except that it contains a lesser quantity of controlled substances;

(ii) benzphetamine;

(iii) chlorphentermine;

(iv) clortermine; and

(v) phendimetrazine.

(2) Subject to paragraph (3) of this subsection, substances in Schedule III include:

(i) a salt of a substance listed in this subsection;

(ii) an optical, position, or geometric isomer of a substance listed in this subsection; or

(iii) a salt of an isomer of a substance listed in this subsection.

(3) Unless listed in another schedule, a salt, isomer, or salt of an isomer described in paragraph (2) of this subsection may be included in Schedule III only if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation.

(c) Unless listed in another schedule, a substance is listed in Schedule III if the substance includes a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

(1) any compound, mixture, or preparation containing:

(i) amobarbital;

(ii) secobarbital;

(iii) pentobarbital; or

(iv) any salt thereof and one or more other active medicinal ingredients that are not listed in any schedule;

(2) any suppository dosage form containing:

(i) amobarbital;

(ii) secobarbital;

(iii) pentobarbital; or

(iv) any salt of any of these drugs and approved by the U.S. Food and Drug Administration for marketing only as a suppository;

(3) except those substances that are specifically listed in other schedules, a substance that contains any quantity of a derivative of barbituric acid, a salt of a derivative of a barbituric acid, or butalbital, including, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts, (Fioricet) and (Fiorinal);

(4) chlorhexadol;

(5) embutramide;

(6) any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

(7) ketamine, its salts, isomers, and salts of isomers;

(8) lysergic acid;

(9) lysergic acid amide;

(10) methyprylon;

(11) perampanel, and its salts, isomers, and salts of isomers (FYCOMPA);

(12) sulfondiethylmethane;

(13) sulfonethylmethane;

(14) sulfonmethane; and

(15) tiletamine and zolazepam or any salt thereof, including a tiletamine–zolazepam combination product (trade name Telazol).

(d) As listed in Schedule III under Title 21 of the Code of Federal Regulations, nalorphine 9400.

(e) Unless specifically excepted or unless listed in another schedule:

(1) substances listed in Schedule III include any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(i) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(ii) not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(iii) not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

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

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

(vi) not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit; and

(vii) not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(2) any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(i) buprenorphine; and

(ii) reserved.

(3) if not combined with one or more active medicinal ingredients that are listed in another schedule, substances listed in Schedule III include a suppository dosage form or salt of a suppository dosage that contains:

(i) amobarbital;

(ii) secobarbital; or

(iii) pentobarbital.

(f) (1) Except as provided in paragraph (2) of this subsection, an anabolic steroid consisting of any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, and ethers:

(i) 3beta,17–dihydroxy–5a–androstane;

(ii) 3alpha,17beta–dihydroxy–5a–androstane;

(iii) 5 alpha–androstan–3,17–dione;

(iv) 1–androstenediol (3beta,17beta–dihydroxy–5alpha–androst–1–ene);

(v) 1–androstenediol (3alpha,17beta–dihydroxy–5alpha–androst–1–ene);

(vi) 4–androstenediol (3beta,17beta–dihydroxy–androst–4–ene);

(vii) 5–androstenediol (3beta,17beta–dihydroxy–androst–5–ene);

(viii) 1–androstenedione;

(ix) 4–androstenedione;

(x) 5–androstenedione;

(xi) bolasterone;

(xii) boldenone;

(xiii) boldione;

(xiv) calusterone;

(xv) chlorotestosterone (clostebol);

(xvi) dehydrochloromethyltestosterone;

(xvii) desoxymethyltestosterone;

(xviii) delta1–dihydrotestosterone (17beta–hydroxy–5alpha–androst–1–en–3–one);

(xix) dihydrotestosterone (4–dihydrotestosterone) (17beta–hydroxy–androstan–3–one) (stanolone);

(xx) drostanolone;

(xxi) ethylestrenol;

(xxii) fluoxymesterone;

(xxiii) formebolone;

(xxiv) furazabol;

(xxv) 13beta–ethyl–17beta–hydroxygon–4–en–3–one;

(xxvi) 4–hydroxytestosterone;

(xxvii) 4–hydroxy–19–nortestosterone;

(xxviii) mestanolone (17alpha–methyl–17beta–hydroxy–5–androstan–3–one);

(xxix) mesterolone;

(xxx) methandienone (methandrostenolone) (17alpha–methyl–17beta–hydroxyandrost–1,4–dien–3–one);

(xxxi) methandriol;

(xxxii) methasterone;

(xxxiii) methenolone;

(xxxiv) 17alpha–methyl–3beta, 17beta–dihydroxy–5a–androstane;

(xxxv) 17alpha–methyl–3alpha, 17beta–dihydroxy–5a–androstane;

(xxxvi) 17alpha–methyl–3beta, 17beta–dihydroxyandrost–4–ene;

(xxxvii) 17alpha–methyl–4–hydroxynandrolone;

(xxxviii) methyldienolone;

(xxxix) methyltrienolone;

(xl) methyltestosterone;

(xli) mibolerone;

(xlii) 17alpha–methyl–delta1–dihydrotestosterone;

(xliii) nandrolone;

(xliv) 19–nor–4–androstenediol (3beta, 17beta–dihydroxyestr–4–ene);

(xlv) 19–nor–4–androstenediol (3alpha, 17beta–dihydroxyestr–4–ene);

(xlvi) 19–nor–5–androstenediol (3beta, 17beta–dihydroxyestr–5–ene);

(xlvii) 19–nor–5–androstenediol (3alpha, 17beta–dihydroxyestr–5–ene);

(xlviii) 19–nor–4,9(10)–androstadienedione;

(xlix) 19–nor–4–androstenedione;

(l) 19–nor–5–androstenedione;

(li) norbolethone (13beta, 17alpha–diethyl–17beta–hydroxygon–4–en–3–one);

(lii) norclostebol;

(liii) norethandrolone;

(liv) normethandrolone;

(lv) oxandrolone;

(lvi) oxymesterone;

(lvii) oxymetholone;

(lviii) prostanozol;

(lix) stanozolol;

(lx) stenbolone;

(lxi) testolactone;

(lxii) testosterone;

(lxiii) tetrahydrogestrinone; and

(lxiv) trenbolone.

(2) The following substances are not included in Schedule III:

(i) an estrogen, progestin, or corticosteroid; or

(ii) a substance covered by paragraph (1) of this subsection if:

1. expressly intended for administration through implants to cattle or other nonhuman species; and

2. approved for that use by the U.S. Food and Drug Administration.

(g) Hallucinogenic substances include:

(1) dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration–approved product; and

(2) reserved.

(h)**] (B)** The Department may not add a substance to Schedule III under § 5–202 of this title unless the Department finds:

(1) a potential for abuse of the substance that is less than that for the substances listed in Schedule I and Schedule II;

(2) well documented and approved medical use of the substance in the United States; and

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

5–405.

(a) Schedule IV consists of each controlled dangerous substance:

[(1) listed in this section;

(2)**] (1)** added to Schedule IV by the Department under § 5–202(b) of this title; or

[(3)**] (2)** designated as a Schedule IV controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

[(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) dextropropoxyphene (alpha–(+)–4–dimethylamino–1, 2–diphenyl–3–methyl–2–propionoxybutane); and

(3) 2–[(dimethylamino)methyl]–1–(3–methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

(c) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designations:

(1) alfaxalone;

(2) alprazolam;

(3) barbital;

(4) brexanolone;

(5) bromazepam;

(6) camazepam;

(7) carisoprodol;

(8) chloral betaine;

(9) chloral hydrate;

(10) chlordiazepoxide;

(11) clobazam;

(12) clonazepam;

(13) clorazepate;

(14) clotiazepam;

(15) cloxazolam;

(16) delorazepam;

(17) diazepam;

(18) dichloralphenazone;

(19) estazolam;

(20) ethchlorvynol;

(21) ethinamate;

(22) ethyl loflazepate;

(23) fludiazepam;

(24) flunitrazepam;

(25) flurazepam;

(26) fospropofol;

(27) halazepam;

(28) haloxazolam;

(29) ketazolam;

(30) loprazolam;

(31) lorazepam;

(32) lormetazepam;

(33) mebutamate;

(34) medazepam;

(35) meprobamate;

(36) methohexital;

(37) methylphenobarbital (mephobarbital);

(38) midazolam;

(39) nimetazepam;

(40) nitrazepam;

(41) nordiazepam;

(42) oxazepam;

(43) oxazolam;

(44) paraldehyde;

(45) petrichloral;

(46) phenobarbital;

(47) pinazepam;

(48) prazepam;

(49) quazepam;

(50) suvorexant (Belsomra);

(51) temazepam;

(52) tetrazepam;

(53) triazolam;

(54) zaleplon (Sonata);

(55) zolpidem (Ambien); and

(56) zopiclone (Lunesta).

(d) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains fenfluramine; and

(2) if its existence is possible:

(i) a salt of fenfluramine;

(ii) an optical, position, or geometric isomer of fenfluramine, including dexfenfluramine; and

(iii) a salt of an isomer of fenfluramine.

(e) Substances listed in Schedule IV include:

(1) a material, compound, mixture, or preparation that contains lorcaserin; and

(2) if its existence is possible:

(i) a salt of lorcaserin;

(ii) an optical, position, or geometric isomer of lorcaserin; and

(iii) a salt of an isomer of lorcaserin.

(f) Substances listed in Schedule IV include a material, compound, mixture, or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) cathine ((+)–norpseudoephedrine);

(2) diethylpropion;

(3) fencamfamin;

(4) fenproporex;

(5) mazindol;

(6) mefenorex;

(7) modafinil;

(8) pemoline, including organometallic complexes and their chelates;

(9) phentermine;

(10) pipradrol;

(11) sibutramine;

(12) solriamfetol (2–amino–3–phenylpropyl carbamate; benzenepropanol, beta–amino–, carbamate (ester)); and

(13) SPA ((–)–1–dimethylamino– 1,2–diphenylethane).

(g) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts:

(1) pentazocine;

(2) butorphanol (including its optical isomers); and

(3) eluxadoline (5–[[[(2S)–2–amino–3–[4–aminocarbonyl)–2, 6–dimethylphenyl]–1–oxopropyl][(1S)–1–(4–phenyl–1H–imidazol–2–yl)ethyl]amino]methyl]–2–methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.

(h) By regulation, the Department may exempt from this section a compound, mixture, or preparation that contains a depressant substance listed in subsection (c) of this section if:

(1) the compound, mixture, or preparation contains an active medicinal ingredient that does not have a depressant effect on the central nervous system; and

(2) the admixtures are included in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

(i)**] (B)** The Department may not add a substance to Schedule IV under § 5–202 of this title unless the Department finds that:

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

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

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

5–406.

(a) Schedule V consists of each controlled dangerous substance:

[(1) listed in this section;

(2)**] (1)** added to Schedule V by the Department under § 5–202(b) of this title; or

[(3)**] (2)** designated as a Schedule V controlled dangerous substance by the federal government unless the Department objects under § 5–202(f) of this title.

[(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) reserved; and

(2) reserved.

(c) Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(1) not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

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

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

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

(5) difenoxin preparations 0.5mg/25ug ATSO4/DU (MOTOFEN).

(d) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) pyrovalerone; and

(2) reserved.

(e) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1) brivaracetam ((2S)–2–[(4R)–2–oxo–4–propylpyrrolidin–1–yl] butanamide) (Briviact);

(2) ezogabine [N–[2–amino–4–(4–fluorobenzylamino)–phenyl]–carbamic acid ethyl ester] (Potiga);

(3) lacosamide [(R)–2–acetoamido–N–benzyl–3–methoxy–propionamide] (Vimpat); and

(4) pregabalin [(S)–3–(aminomethyl)–5–methylhexanoic acid] (Lyrica).

(f) A drug product in finished dosage formulation that has been approved by the United States Food and Drug Administration that contains cannabidiol (2–[1R–3–methyl–6R–(1–methylethenyl)–2–cyclohexen–1–yl]–5–pentyl–1,3–benzenediol) derived from cannabis and no more than 0.1% (w/w) residual tetrahydrocannabinols.

(g)**] (B)** The Department may not add a substance to Schedule V under § 5–202 of this title unless the Department finds:

(1) the substance has a low potential for abuse relative to the substances listed in Schedule IV;

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.