

SENATE BILL 614

E1

2lr1660
CF HB 33

By: **Senator Waldstreicher**

Introduced and read first time: February 2, 2022

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 3, 2022

CHAPTER _____

1 AN ACT concerning

2 **Criminal Law – Controlled Dangerous Substances – Schedules – Adjustment**

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

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Law

8 Section 5–101(z) through (dd) and 5–402 through 5–406

9 Annotated Code of Maryland

10 (2021 Replacement Volume and 2021 Supplement)

11 BY repealing and reenacting, without amendments,

12 Article – Criminal Law

13 Section 5–202(a), (b), and (f)

14 Annotated Code of Maryland

15 (2021 Replacement Volume and 2021 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Criminal Law**

19 5–101.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

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

11 5-202.

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

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

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

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

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

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

25 5-402.

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

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

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

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

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

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

11 (2) acetylmethadol;

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

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

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

16 (6) allylprodine;

17 (7) alphacetylmethadol, except levo–alphacetylmethadol;

18 (8) alphameprodine;

19 (9) alphamethadol;

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

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

24 (12) benzethidine;

25 (13) betacetylmethadol;

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

28 (15) beta–hydroxy–3–methylfentanyl;

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

- 1 (17) betameprodine;
- 2 (18) betamethadol;
- 3 (19) betaprodine;
- 4 (20) butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N
5 -phenylbutyramide);
- 6 (21) clonitazene;
- 7 (22) dextromoramide;
- 8 (23) diampromide;
- 9 (24) diethylthiambutene;
- 10 (25) difenoxin;
- 11 (26) dimenoxadol;
- 12 (27) dimepheptanol;
- 13 (28) dimethylthiambutene;
- 14 (29) dioxaphetyl butyrate;
- 15 (30) dipipanone;
- 16 (31) ethylmethylthiambutene;
- 17 (32) etonitazene;
- 18 (33) etoxeridine;
- 19 (34) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1
20 -phenethylpiperidin-4-yl)isobutyramide);
- 21 (35) furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2
22 -carboxamide);
- 23 (36) furethidine;
- 24 (37) hydroxypethidine;
- 25 (38) ketobemidone;

- 1 (39) levomoramide;
- 2 (40) levophenacymorphan;
- 3 (41) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N
4 -phenylpropanamide);
- 5 (42) 3-methylthiofentanyl;
- 6 (43) morpheridine;
- 7 (44) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 8 (45) mt-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 9 (46) noracymethadol;
- 10 (47) norlevorphanol;
- 11 (48) normethadone;
- 12 (49) norpipanone;
- 13 (50) ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin
14 -4-yl)acetamide);
- 15 (51) para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4
16 -piperidiny] propanamide);
- 17 (52) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 18 (53) phenadoxone;
- 19 (54) phenampromide;
- 20 (55) phenomorphan;
- 21 (56) phenoperidine;
- 22 (57) piritramide;
- 23 (58) proheptazine;
- 24 (59) properidine;
- 25 (60) propiram;

- 1 (61) racemoramide;
- 2 (62) tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)
3 -N-phenyltetrahydrofuran-2-carboxamide);
- 4 (63) thiofentanyl;
- 5 (64) tilidine;
- 6 (65) trimeperidine; and
- 7 (66) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]
8 -N-methylbenzamide).

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

- 13 (1) acetorphine;
- 14 (2) acetyldihydrocodeine;
- 15 (3) benzylmorphine;
- 16 (4) codeine methylbromide;
- 17 (5) codeine-N-oxide;
- 18 (6) cyprenorphine;
- 19 (7) desomorphine;
- 20 (8) dihydromorphine;
- 21 (9) drotebanol;
- 22 (10) etorphine (except hydrochloride salt);
- 23 (11) heroin;
- 24 (12) hydromorphenol;
- 25 (13) methyl-desorphine;
- 26 (14) methyldihydromorphine;

1 (15) morphine methylbromide;

2 (16) morphine methylsulfonate;

3 (17) morphine-N-oxide;

4 (18) myrophine;

5 (19) nicocodeine;

6 (20) nicomorphine;

7 (21) normorphine;

8 (22) pholcodine; and

9 (23) thebacon.

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

16 (1) alpha-ethyltryptamine;

17 (2) 4-bromo-2,5-dimethoxy-amphetamine;

18 (3) 4-bromo-2,5-dimethoxyphenethylamine;

19 (4) 2,5-dimethoxyamphetamine;

20 (5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

21 (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

22 (7) 4-methoxyamphetamine (PMA);

23 (8) 5-methoxy-3,4-methylenedioxy-amphetamine;

24 (9) 4-methyl-2,5-dimethoxy-amphetamine;

25 (10) 3,4-methylenedioxy amphetamine;

26 (11) 3,4-methylenedioxymethamphetamine (MDMA);

- 1 (12) 3,4-methylenedioxy-N-ethylamphetamine (MDA);
- 2 (13) N-hydroxy-3,4-methylenedioxyamphetamine;
- 3 (14) 3,4,5-trimethoxyamphetamine;
- 4 (15) 5-methoxy-N, N-dimethyltryptamine;
- 5 (16) alpha-methyltryptamine (AMT);
- 6 (17) bufotenine;
- 7 (18) diethyltryptamine (DET);
- 8 (19) dimethyltryptamine (DMT);
- 9 (20) 5-methoxy-N, N-diisopropyltryptamine (5-MeO-DIPT);
- 10 (21) ibogaine;
- 11 (22) lysergic acid diethylamide;
- 12 (23) marijuana;
- 13 (24) mescaline;
- 14 (25) parahexyl-7374;
- 15 (26) peyote (meaning all parts of the plant presently classified botanically
- 16 as *Lophophora williamsii* lemaire, whether growing or not, the seeds thereof, any extract
- 17 from any part of such plant, and every compound, manufacture, salt, derivative, mixture,
- 18 or preparation of such plant, its seeds, or extracts);
- 19 (27) N-ethyl-3-piperidyl benzilate;
- 20 (28) N-methyl-3-piperidyl benzilate;
- 21 (29) psilocybin;
- 22 (30) psilocyn;
- 23 (31) tetrahydrocannabinols;
- 24 (32) ethylamine analog of phencyclidine (N-ethyl-1
- 25 -phenylcyclohexylamine);

- 1 (33) pyrrolidine analog of phencyclidine (1-(1-phenylcyclohexyl)
2 -pyrrolidine);
- 3 (34) thiophene analog of phencyclidine (1-[1-(2-thienyl)-cyclohexyl]
4 -piperidine);
- 5 (35) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 6 (36) 4-methylmethcathinone (mephedrone);
- 7 (37) 3, 4-methylenedioxypropylvalerone (MDPV);
- 8 (38) 2-(2,5-dimethoxy-4-ethylphenyl) ethanamine (2C-E);
- 9 (39) 2-(2,5-dimethoxy-4-methylphenyl) ethanamine (2C-D);
- 10 (40) 2-(4-chloro-2,5-dimethoxyphenyl) ethanamine (2C-C);
- 11 (41) 2-(4-iodo-2,5-dimethoxyphenyl) ethanamine (2C-I);
- 12 (42) 2-[4-(ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2);
- 13 (43) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4);
- 14 (44) 2-(2,5-dimethoxyphenyl) ethanamine (2C-H);
- 15 (45) 2-(2,5-dimethoxy-4-nitro-phenyl) ethanamine (2C-N);
- 16 (46) 2-(2,5-dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P);
- 17 (47) 3,4-methylenedioxy-N-methylcathinone (methylone);
- 18 (48) (1-pentyl-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl) methanone
19 (UR-144);
- 20 (49) [1-(5-fluoro-pentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)
21 methanone (5-fluoro-UR-144, XLR11);
- 22 (50) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA,
23 AKB48);
- 24 (51) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22);
- 25 (52) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5-fluoro
26 -PB-22);
- 27 (53) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H

- 1 –indazole–3–carboxamide (AB–FUBINACA);
- 2 (54) N–(1–amino–3, 3–dimethyl–1–oxobutan–2–yl)–1–pentyl–1H
3 –indazole–3–carboxamide (ADB–PINACA);
- 4 (55) 2–(4–iodo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine
5 (25I–NBOMe);
- 6 (56) 2–(4–chloro–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine
7 (25C–NBOMe);
- 8 (57) 2–(4–bromo–2,5–dimethoxyphenyl)–N–(2–methoxybenzyl) ethanamine
9 (25B–NBOMe);
- 10 (58) marijuana extract (meaning an extract containing one or more
11 cannabinoids that has been derived from any plant of the genus cannabis, other than the
12 separated resin, whether crude or purified, obtained from the plant);
- 13 (59) 4–methyl–N–ethylcathinone (4–MEC);
- 14 (60) 4–methyl–alpha–pyrrolidinopropiophenone (4–MePPP);
- 15 (61) alpha–pyrrolidinopentiophenone (alpha–PVP);
- 16 (62) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) butan–1–one (butylone);
- 17 (63) 2–(methylamino)–1–phenylpentan–1–one (pentedrone);
- 18 (64) 1–(1,3–benzodioxol–5–yl)–2–(methylamino) pentan–1–one (pentylone);
- 19 (65) 4–fluoro–N–methylcathinone (flephedrone);
- 20 (66) 3–fluoro–N–methylcathinone (3–FMC);
- 21 (67) 1–(naphthalen–2–yl)–2–(pyrrolidin–1–yl)pentan–1–one (naphyrone);
- 22 (68) alpha–pyrrolidinobutiophenone (alpha–PBP);
- 23 (69) N–(1–amino–3–methyl–1–oxobutan–2–yl)–1–(cyclohexylmethyl)–1H
24 –indazole–3–carboxamide (AB–CHMINACA);
- 25 (70) N–(1–amino–3–methyl–1–oxobutan–2–yl)–1–pentyl–1H–indazole–3
26 –carboxamide (AB–PINACA);
- 27 (71) [1–(5–fluoropentyl)–1H–indazol–3–yl](naphthalen–1–yl)methanone
28 (THJ–2201); and

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

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

9 (1) gamma-hydroxybutyric acid (GHB);

10 (2) mecloqualone; and

11 (3) methaqualone.

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

16 (1) aminorex;

17 (2) N-benzylpiperazine (BZP);

18 (3) cathinone;

19 (4) fenethylamine;

20 (5) methcathinone;

21 (6) (±)cis-4-methylaminorex ((±)cis-4,5-dihydro-4-methyl-5-phenyl-2
22 -oxazoline);

23 (7) N-ethylamphetamine; and

24 (8) N, N-dimethylamphetamine.

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

30 (1) 5-(1, 1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol
31 (CP-47,497);

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

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

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

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

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

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

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

13 5–403.

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

15 **[(1)]** listed in this section;

16 **[(2)] (1)** added to Schedule II by the Department under § 5–202(b) of this
17 title; or

18 **[(3)] (2)** designated as a Schedule II controlled dangerous substance by
19 the federal government unless the Department objects under § 5–202(f) of this title.

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

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

28 (i) codeine;

29 (ii) dihydroetorphine;

30 (iii) ethylmorphine;

- 1 (iv) etorphine hydrochloride;
- 2 (v) granulated opium;
- 3 (vi) hydrocodone;
- 4 (vii) hydromorphone;
- 5 (viii) metopon;
- 6 (ix) morphine;
- 7 (x) opium extracts;
- 8 (xi) opium fluid;
- 9 (xii) oripavine;
- 10 (xiii) oxycodone;
- 11 (xiv) oxymorphone;
- 12 (xv) powdered opium;
- 13 (xvi) raw opium;
- 14 (xvii) thebaine; and
- 15 (xviii) tincture of opium;
- 16 (2) any salt, compound, derivative, or preparation thereof which is
17 chemically equivalent or identical with any of the substances referred to in item (1) of this
18 subsection, except that these substances may not include the isoquinoline alkaloids of
19 opium;
- 20 (3) opium poppy and poppy straw;
- 21 (4) coca leaves and any salt, compound, derivative, or preparation of coca
22 leaves, including cocaine and ecgonine and their salts, isomers, derivatives and salts of
23 isomers and derivatives, and any salt, compound, derivative, or preparation thereof which
24 is chemically equivalent or identical with any of these substances, except that the
25 substances may not include:
- 26 (i) decocainized coca leaves or extraction of coca leaves, which
27 extractions do not contain cocaine or ecgonine; or

1 (ii) ioflupane; and

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

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

9 (1) alfentanil;

10 (2) alphaprodine;

11 (3) anileridine;

12 (4) bezitramide;

13 (5) bulk dextropropoxyphene (non-dosage forms);

14 (6) carfentanil;

15 (7) dihydrocodeine;

16 (8) diphenoxylate;

17 (9) fentanyl;

18 (10) isomethadone;

19 (11) levo-alphaacetylmethadol;

20 (12) levomethorphan;

21 (13) levorphanol;

22 (14) metazocine;

23 (15) methadone;

24 (16) methadone - intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
25 butane;

26 (17) moramide - intermediate, 2-methyl-3-morpholino-1,
27 1-diphenylpropane-carboxylic acid;

- 1 (18) pethidine (meperidine);
- 2 (19) pethidine – intermediate – A, 4–cyano–1–methyl–4–phenylpiperidine;
- 3 (20) pethidine – intermediate – B, ethyl–4–phenylpiperidine–4–carboxylate;
- 4 (21) pethidine – intermediate – C, 1–methyl–4–phenylpiperidine
5 –4–carboxylic acid;
- 6 (22) phenazocine;
- 7 (23) piminodine;
- 8 (24) racemethorphan;
- 9 (25) racemorphan;
- 10 (26) remifentanil;
- 11 (27) sulfentanil;
- 12 (28) tapentadol; and
- 13 (29) thiafentanil.

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

- 18 (1) amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 19 (2) methamphetamine, its salts, isomers, and salts of isomers;
- 20 (3) phenmetrazine and its salts;
- 21 (4) methylphenidate; and
- 22 (5) lisdexamfetamine, its salts, isomers, and salts of isomers.

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

- 1 (1) amobarbital;
- 2 (2) glutethimide;
- 3 (3) pentobarbital;
- 4 (4) phencyclidine; and
- 5 (5) secobarbital.

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

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

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

14 (1) immediate precursor to amphetamine and methamphetamine:

- 15 (i) phenylacetone; and
- 16 (ii) reserved;

17 (2) immediate precursors to phencyclidine (PCP):

- 18 (i) 1-phenylcyclohexylamine; and
- 19 (ii) 1-piperidinocyclohexanecarbonitrile (PCC); and

20 (3) immediate precursor to fentanyl:

- 21 (i) 4-anilino-N-phenethylpiperidine (ANPP); and
- 22 (ii) reserved.

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

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

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

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

3 5–404.

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

6 [(1) listed in this section;

7 (2)] (1) added to Schedule III by the Department under § 5–202(b) of this
8 title; or

9 [(3)] (2) designated as a Schedule III controlled dangerous substance by
10 the federal government unless the Department objects under § 5–202(f) of this title.

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

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

21 (ii) benzphetamine;

22 (iii) chlorphentermine;

23 (iv) clortermine; and

24 (v) phendimetrazine.

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

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

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

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

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

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

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

10 (i) amobarbital;

11 (ii) secobarbital;

12 (iii) pentobarbital; or

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

15 (2) any suppository dosage form containing:

16 (i) amobarbital;

17 (ii) secobarbital;

18 (iii) pentobarbital; or

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

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

25 (4) chlorhexadol;

26 (5) embutramide;

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

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

- 1 (8) lysergic acid;
- 2 (9) lysergic acid amide;
- 3 (10) methyprylon;
- 4 (11) perampanel, and its salts, isomers, and salts of isomers (FYCOMPA);
- 5 (12) sulfondiethylmethane;
- 6 (13) sulfonethylmethane;
- 7 (14) sulfonmethane; and
- 8 (15) tiletamine and zolazepam or any salt thereof, including a
9 tiletamine–zolazepam combination product (trade name Telazol).

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

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

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

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

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

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

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

28 (v) not more than 500 milligrams of opium per 100 milliliters or per
29 100 grams, or not more than 25 milligrams per dosage unit, with one or more active,
30 nonnarcotic ingredients in recognized therapeutic amounts;

31 (vi) not more than 100 milligrams of opium per 100 milliliters or per

1 100 grams, or not more than 5 milligrams per dosage unit; and

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

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

7 (i) buprenorphine; and

8 (ii) reserved.

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

12 (i) amobarbital;

13 (ii) secobarbital; or

14 (iii) pentobarbital.

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

18 (i) 3beta,17-dihydroxy-5a-androstane;

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

20 (iii) 5 alpha-androstan-3,17-dione;

21 (iv) 1-androstenediol (3beta,17beta-dihydroxy-5alpha
22 -androst-1-ene);

23 (v) 1-androstenediol (3alpha,17beta-dihydroxy-5alpha
24 -androst-1-ene);

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

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

27 (viii) 1-androstenedione;

28 (ix) 4-androstenedione;

- 1 (x) 5-androstenedione;
- 2 (xi) bolasterone;
- 3 (xii) boldenone;
- 4 (xiii) boldione;
- 5 (xiv) calusterone;
- 6 (xv) chlorotestosterone (clostebol);
- 7 (xvi) dehydrochloromethyltestosterone;
- 8 (xvii) desoxymethyltestosterone;
- 9 (xviii) delta 1-dihydrotestosterone (17beta-hydroxy-5alpha
10 -androst-1-en-3-one);
- 11 (xix) dihydrotestosterone (4-dihydrotestosterone)
12 (17beta-hydroxy-androstan-3-one) (stanolone);
- 13 (xx) drostanolone;
- 14 (xxi) ethylestrenol;
- 15 (xxii) fluoxymesterone;
- 16 (xxiii) formebolone;
- 17 (xxiv) furazabol;
- 18 (xxv) 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
- 19 (xxvi) 4-hydroxytestosterone;
- 20 (xxvii) 4-hydroxy-19-nortestosterone;
- 21 (xxviii) mestanolone (17alpha-methyl-17beta-hydroxy
22 -5-androstan-3-one);
- 23 (xxix) mesterolone;
- 24 (xxx) methandienone (methandrostenolone)
25 (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);
- 26 (xxxi) methandriol;

- 1 (xxxii) methasterone;
- 2 (xxxiii) methenolone;
- 3 (xxxiv) 17alpha-methyl-3beta, 17beta-dihydroxy
4 -5a-androstane;
- 5 (xxxv) 17alpha-methyl-3alpha, 17beta-dihydroxy-5a-androstane;
- 6 (xxxvi) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;
- 7 (xxxvii) 17alpha-methyl-4-hydroxynandrolone;
- 8 (xxxviii) methyldienolone;
- 9 (xxxix) methyltrienolone;
- 10 (xl) methyltestosterone;
- 11 (xli) mibolerone;
- 12 (xlii) 17alpha-methyl-delta1-dihydrotestosterone;
- 13 (xliii) nandrolone;
- 14 (xliv) 19-nor-4-androstenediol (3beta, 17beta-dihydroxyestr-4-ene);
- 15 (xlv) 19-nor-4-androstenediol (3alpha, 17beta-dihydroxyestr
16 -4-ene);
- 17 (xlvi) 19-nor-5-androstenediol (3beta, 17beta-dihydroxyestr-5-ene);
- 18 (xlvii) 19-nor-5-androstenediol (3alpha, 17beta-dihydroxyestr
19 -5-ene);
- 20 (xlviii) 19-nor-4,9(10)-androstadienedione;
- 21 (xlix) 19-nor-4-androstenedione;
- 22 (l) 19-nor-5-androstenedione;
- 23 (li) norbolethone (13beta, 17alpha-diethyl-17beta-hydroxygon
24 -4-en-3-one);
- 25 (lii) norclostebol;

- 1 (liii) norethandrolone;
- 2 (liv) normethandrolone;
- 3 (lv) oxandrolone;
- 4 (lvi) oxymesterone;
- 5 (lvii) oxymetholone;
- 6 (lviii) prostanazol;
- 7 (lix) stanozolol;
- 8 (lx) stenbolone;
- 9 (lxi) testolactone;
- 10 (lxii) testosterone;
- 11 (lxiii) tetrahydrogestrinone; and
- 12 (lxiv) trenbolone.

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

- 14 (i) an estrogen, progestin, or corticosteroid; or
- 15 (ii) a substance covered by paragraph (1) of this subsection if:

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

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

20 (g) Hallucinogenic substances include:

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

23 (2) reserved.

24 (h)] (B) The Department may not add a substance to Schedule III under §
25 5–202 of this title unless the Department finds:

26 (1) a potential for abuse of the substance that is less than that for the

1 substances listed in Schedule I and Schedule II;

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

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

6 5–405.

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

8 [(1) listed in this section;

9 (2)] (1) added to Schedule IV by the Department under § 5–202(b) of this
10 title; or

11 [(3)] (2) designated as a Schedule IV controlled dangerous substance by
12 the federal government unless the Department objects under § 5–202(f) of this title.

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

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

19 (2) dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
20 2-diphenyl-3-methyl-2-propionoxybutane); and

21 (3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its
22 salts, optical and geometric isomers and salts of these isomers (including tramadol).

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

28 (1) alfaxalone;

29 (2) alprazolam;

30 (3) barbital;

31 (4) brexanolone;

- 1 (5) bromazepam;
- 2 (6) camazepam;
- 3 (7) carisoprodol;
- 4 (8) chloral betaine;
- 5 (9) chloral hydrate;
- 6 (10) chlordiazepoxide;
- 7 (11) clobazam;
- 8 (12) clonazepam;
- 9 (13) clorazepate;
- 10 (14) clotiazepam;
- 11 (15) cloxazolam;
- 12 (16) delorazepam;
- 13 (17) diazepam;
- 14 (18) dichloralphenazone;
- 15 (19) estazolam;
- 16 (20) ethchlorvynol;
- 17 (21) ethinamate;
- 18 (22) ethyl loflazepate;
- 19 (23) fludiazepam;
- 20 (24) flunitrazepam;
- 21 (25) flurazepam;
- 22 (26) fospropofol;
- 23 (27) halazepam;

- 1 (28) haloxazolam;
- 2 (29) ketazolam;
- 3 (30) lorazepam;
- 4 (31) lorazepam;
- 5 (32) lorazepam;
- 6 (33) mebutamate;
- 7 (34) medazepam;
- 8 (35) meprobamate;
- 9 (36) methohexital;
- 10 (37) methylphenobarbital (mephobarbital);
- 11 (38) midazolam;
- 12 (39) nimetazepam;
- 13 (40) nitrazepam;
- 14 (41) nordiazepam;
- 15 (42) oxazepam;
- 16 (43) oxazolam;
- 17 (44) paraldehyde;
- 18 (45) petrichloral;
- 19 (46) phenobarbital;
- 20 (47) pinazepam;
- 21 (48) prazepam;
- 22 (49) quazepam;
- 23 (50) suvorexant (Belsomra);
- 24 (51) temazepam;

1 (52) tetrazepam;

2 (53) triazolam;

3 (54) zaleplon (Sonata);

4 (55) zolpidem (Ambien); and

5 (56) zopiclone (Lunesta).

6 (d) Substances listed in Schedule IV include:

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

9 (2) if its existence is possible:

10 (i) a salt of fenfluramine;

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

13 (iii) a salt of an isomer of fenfluramine.

14 (e) Substances listed in Schedule IV include:

15 (1) a material, compound, mixture, or preparation that contains lorcase-
16 and rin;

17 (2) if its existence is possible:

18 (i) a salt of lorcase-

19 (ii) an optical, position, or geometric isomer of lorcase-

20 (iii) a salt of an isomer of lorcase-

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

25 (1) cathine ((+)-norpseudoephedrine);

26 (2) diethylpropion;

- 1 (3) fencamfamin;
- 2 (4) fenproporex;
- 3 (5) mazindol;
- 4 (6) mefenorex;
- 5 (7) modafinil;
- 6 (8) pemoline, including organometallic complexes and their chelates;
- 7 (9) phentermine;
- 8 (10) pipradrol;
- 9 (11) sibutramine;
- 10 (12) solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol,
11 beta-amino-, carbamate (ester)); and
- 12 (13) SPA ((-)-1-dimethylamino- 1,2-diphenylethane).

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

- 16 (1) pentazocine;
- 17 (2) butorphanol (including its optical isomers); and
- 18 (3) eluxadoline (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,
19 6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-
20 yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its
21 salts, isomers, and salts of isomers.

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

- 25 (1) the compound, mixture, or preparation contains an active medicinal
26 ingredient that does not have a depressant effect on the central nervous system; and
- 27 (2) the admixtures are included in combinations, quantity, proportion, or
28 concentration that vitiate the potential for abuse of the substances that have a depressant
29 effect on the central nervous system.

1 (i)] (B) The Department may not add a substance to Schedule IV under §
2 5–202 of this title unless the Department finds that:

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

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

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

9 5–406.

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

11 [(1) listed in this section;

12 (2)] (1) added to Schedule V by the Department under § 5–202(b) of this
13 title; or

14 [(3)] (2) designated as a Schedule V controlled dangerous substance by
15 the federal government unless the Department objects under § 5–202(f) of this title.

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

19 (1) reserved; and

20 (2) reserved.

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

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

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

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

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

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

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

8 (1) pyrovalerone; and

9 (2) reserved.

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

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

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

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

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

21 (f) A drug product in finished dosage formulation that has been approved by the
22 United States Food and Drug Administration that contains cannabidiol
23 (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)
24 derived from cannabis and no more than 0.1% (w/w) residual tetrahydrocannabinols.

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.