

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2369

1 AN ACT TO AMEND SECTIONS 41-29-117, 41-29-119 AND 41-29-121,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE SCHEDULE OF CONTROLLED
3 SUBSTANCES TO CONFORM WITH FEDERAL LAW; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** Section 41-29-117, Mississippi Code of 1972, is
6 amended as follows:

7 41-29-117. (A) The controlled substances listed in this
8 section are included in Schedule III.

9 **SCHEDULE III**

10 (a) Any material, compound, mixture, or preparation
11 which contains any quantity of the following substances or their
12 salts, isomers, or salts of isomers, of the following substances:

- 13 (1) Benzphetamine;
- 14 (2) Chlorphentermine;
- 15 (3) Clortermine;
- 16 (4) Phendimetrazine.

17 (b) Unless listed in another schedule, any material,
18 compound, mixture, or preparation which contains any quantity of
19 the following substances:

20 (1) Any substance which contains any quantity of a
21 derivative of barbituric acid, or any salt of a derivative of
22 barbituric acid, except those substances which are specifically
23 listed in other schedules.

24 (2) Unless specifically excepted or unless listed
25 in another schedule, any compound, mixture or preparation
26 containing any of the following substances or any salt of the
27 substances specifically included in this subsection (2) and one or

28 more other active medicinal ingredients which are not listed in
29 any other schedule:

30 (i) Amobarbital;

31 (ii) Secobarbital;

32 (iii) Pentobarbital.

33 (3) Any suppository dosage form containing any of
34 the following substances or any salt of any of the substances
35 specifically included in this subsection (3) approved by the Food
36 and Drug Administration for marketing only as a suppository:

37 (i) Amobarbital;

38 (ii) Secobarbital;

39 (iii) Pentobarbital.

40 (4) Chlorhexadol;

41 (5) Any drug product containing

42 gamma-hydroxybutyric acid, including its salts, isomers and salts
43 of isomers, for which an application is approved under Section 505
44 of the Federal Food, Drug and Cosmetic Act;

45 (6) Lysergic acid;

46 (7) Lysergic acid amide;

47 (8) Methyprylon;

48 (9) Sulfondiethylmethane;

49 (10) Sulfonethylmethane;

50 (11) Sulfonmethane;

51 (12) Tiletamine and zolazepam or any salt thereof;

52 other names for the tiletamine and zolazepam combination product
53 include: telazol; other names for tiletamine include:

54 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

55 zolazepam include: 4-(2-fluorophenyl)-6, 8-dihydro 1, 3,

56 8-trimethylpyrazolo - (3,4-e) (1,4)-diazepin-7 (1H)-one;

57 flupyrazapon.

58 (c) Nalorphine.

59 (d) Ketamine.

60 (e) Any material, compound, mixture, or preparation
61 containing limited quantities of any of the following narcotic
62 drugs, or any salts thereof:

63 (1) Not more than one and eight-tenths (1.8) grams
64 of codeine, or any of its salts, per one hundred (100) milliliters
65 or not more than ninety (90) milligrams per dosage unit, with an
66 equal or greater quantity of an isoquinoline alkaloid of opium;

67 (2) Not more than one and eight-tenths (1.8) grams
68 of codeine, or any of its salts, per one hundred (100) milliliters
69 or not more than ninety (90) milligrams per dosage unit, with one
70 or more active, nonnarcotic ingredients in recognized therapeutic
71 amounts;

72 (3) Not more than three hundred (300) milligrams
73 of dihydrocodeinone (also known as hydrocodone), or any of its
74 salts, per one hundred (100) milliliters or not more than fifteen
75 (15) milligrams per dosage unit, with a fourfold or greater
76 quantity of an isoquinoline alkaloid of opium;

77 (4) Not more than three hundred (300) milligrams
78 of dihydrocodeinone, or any of its salts, per one hundred (100)
79 milliliters or not more than fifteen (15) milligrams per dosage
80 unit, with one or more active nonnarcotic ingredients in
81 recognized therapeutic amounts;

82 (5) Not more than one and eight-tenths (1.8) grams
83 of dihydrocodeine, or any of its salts, per one hundred (100)
84 milliliters or not more than ninety (90) milligrams per dosage
85 unit, with one or more active, nonnarcotic ingredients in
86 recognized therapeutic amounts;

87 (6) Not more than three hundred (300) milligrams
88 of ethylmorphine, or any of its salts, per one hundred (100)
89 milliliters or not more than fifteen (15) milligrams per dosage
90 unit, with one or more active, nonnarcotic ingredients in
91 recognized therapeutic amounts;

92 (7) Not more than five hundred (500) milligrams of
93 opium per one hundred (100) milliliters or per one hundred (100)
94 grams, or not more than twenty-five (25) milligrams per dosage
95 unit, with one or more active, nonnarcotic ingredients in
96 recognized therapeutic amounts;

97 (8) Not more than fifty (50) milligrams of
98 morphine, or any of its salts, per one hundred (100) milliliters
99 or per one hundred (100) grams with one or more active,
100 nonnarcotic ingredients in recognized therapeutic amounts.

101 (f) Any material, compound, mixture or preparation
102 containing any quantity of any of the following anabolic steroids,
103 which means any drug or hormonal substance chemically and
104 pharmacologically related to testosterone (other than estrogens,
105 progestins and corticosteroids) that promotes muscle growth,
106 unless listed in another schedule or excepted:

107 (1) Boldenone (dehydrotestosterone);

108 (2) Chlorotestosterone (clostebol,
109 4-chlorotestosterone, 4-chlorotestosterone);

110 (3) Dehydrochlormethyltestosterone;

111 (4) Dihydrotestosterone (stanolone,
112 4-dihydrotestosterone);

113 (5) Drostanolone;

114 (6) Ethylestrenol;

115 (7) Fluoxymesterone;

116 (8) Formebolone (formebolone);

117 (9) Mesterolone;

118 (10) Methandienone (methandrostenolone);

119 (11) Methandriol;

120 (12) Methenolone;

121 (13) Methyltestosterone;

122 (14) Mibolerone;

123 (15) Nandrolone;

124 (16) Norethandrolone;

125 (17) Oxandrolone;
126 (18) Oxymesterone;
127 (19) Oxymetholone;
128 (20) Stanozolol;
129 (21) Testolactone;
130 (22) Testosterone;
131 (23) Trenbolone;
132 (24) Any salt, ester, or isomer of a drug or
133 substance described or listed in this paragraph, if that salt,
134 ester, or isomer promotes muscle growth;

135 (g) Any material, compound, mixture or preparation
136 which contains any quantity of buprenorphine or its salts.

137 (h) Any material compound, mixture or preparation which
138 contains any quantity of pentazocine or its salts in oral dosage
139 form;

140 (i) Dronabinol (synthetic) in sesame oil and
141 encapsulated in a soft gelatin capsule in a United States Food and
142 Drug Administration approved drug product.

143 (B) Any material, compound, mixture or preparation which
144 contains any quantity of a Schedule III controlled substance and
145 is listed as an exempt substance in 21 C.F.R., Section 1308.22,
146 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
147 provisions of the Uniform Controlled Substances Law.

148 **SECTION 2.** Section 41-29-119, Mississippi Code of 1972, is
149 amended as follows:

150 41-29-119. (A) The controlled substances listed in this
151 section are included in Schedule IV.

152 **SCHEDULE IV**

153 (a) Unless specifically excepted or unless listed in
154 another schedule, any material, compound, mixture or preparation
155 which contains limited quantities of the following narcotic drugs,
156 or any salts thereof:

157 (1) Not more than one (1) milligram of difenoxin
158 and not less than twenty-five (25) micrograms of atropine sulfate
159 per dosage unit;

160 (2) Dextropropoxyphene, including its salts
161 (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N,
162 etc.).

163 (b) Any material, compound, mixture or preparation
164 which contains any quantity of the following substances:

165 (1) Alprazolam;

166 (2) Barbital;

167 (3) Bromazepam;

168 (4) Butorphanol;

169 (5) Camazepam;

170 (6) Chloral betaine;

171 (7) Chloral hydrate;

172 (8) Chlordiazepoxide and its salts, but does not
173 include chlordiazepoxide hydrochloride and clidinium bromide or
174 chlordiazepoxide and esterified estrogens;

175 (9) Clobazam;

176 (10) Clonazepam;

177 (11) Clorazepate;

178 (12) Clotiazepam;

179 (13) Cloxazolam;

180 (14) Delorazepam;

181 (15) Diazepam;

182 (16) Dichloralphenazone;

183 (17) Estazolam;

184 (18) Ethchlorvynol;

185 (19) Ethinamate;

186 (20) Ethyl loflazepate;

187 (21) Fludiazepam;

188 (22) Flunitrazepam;

189 (23) Flurazepam;

- 190 (24) Halazepam;
- 191 (25) Haloxazolam;
- 192 (26) Ketazolam;
- 193 (27) Loprazolam;
- 194 (28) Lorazepam;
- 195 (29) Lormetazepam;
- 196 (30) Mazindol;
- 197 (31) Mebutamate;
- 198 (32) Medazepam;
- 199 (33) Meprobamate;
- 200 (34) Methohexital;
- 201 (35) Methylphenobarbital;
- 202 (36) Midazolam;
- 203 (37) Nimetazepam;
- 204 (38) Nitrazepam;
- 205 (39) Nordiazepam;
- 206 (40) Oxazepam;
- 207 (41) Oxazolam;
- 208 (42) Paraldehyde;
- 209 (43) Petrichloral;
- 210 (44) Phenobarbital;
- 211 (45) Pinazepam;
- 212 (46) Prazepam;
- 213 (47) Quazepam;
- 214 (48) Temazepam;
- 215 (49) Tetrazepam;
- 216 (50) Triazolam;
- 217 (51) Zaleplon;
- 218 (52) Zolpidem.
- 219 (c) Fenfluramine.
- 220 (d) Any material, compound, mixture or preparation
- 221 which contains any quantity of the following substances:
- 222 (1) Diethylpropion;

- 223 (2) Phentermine;
- 224 (3) Pemoline (including any organometallic
- 225 complexes or chelates thereof);
- 226 (4) Pipradrol;
- 227 (5) Sibutramine;
- 228 (6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane).

229 (e) Any material, compound, mixture or preparation

230 which contains any quantity of the following substances:

- 231 (1) Cathine ((+/-) Norpseudoephedrine);
- 232 (2) Fencamfamin;
- 233 (3) Fenproporex;
- 234 (4) Mefenorex;
- 235 (5) Modafinil.

236 (B) Any material, compound, mixture or preparation which

237 contains any quantity of a Schedule IV controlled substance and is

238 listed as an exempt substance in 21 C.F.R., Section 1308.22,

239 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the

240 provisions of the Uniform Controlled Substances Law.

241 **SECTION 3.** Section 41-29-121, Mississippi Code of 1972, is

242 amended as follows:

243 41-29-121. (A) The controlled substances listed in this

244 section are included in Schedule V:

245 **SCHEDULE V**

246 (a) Any compound, mixture or preparation containing

247 limited quantities of any of the following narcotic drugs, which

248 also contains one or more nonnarcotic active medicinal ingredients

249 in sufficient proportion to confer upon the compound, mixture or

250 preparation, valuable, medicinal qualities other than those

251 possessed by the narcotic drug alone:

- 252 (1) Not more than two hundred (200) milligrams of
- 253 codeine, or any of its salts, per one hundred (100) milliliters or
- 254 per one hundred (100) grams;

255 (2) Not more than one hundred (100) milligrams of
256 dihydrocodeine, or any of its salts, per one hundred (100)
257 milliliters or per one hundred (100) grams;

258 (3) Not more than one hundred (100) milligrams of
259 ethylmorphine, or any of its salts, per one hundred (100)
260 milliliters or per one hundred (100) grams;

261 (4) Not more than two and five-tenths (2.5)
262 milligrams of diphenoxylate and not less than twenty-five (25)
263 micrograms of atropine sulphate per dosage unit;

264 (5) Not more than one hundred (100) milligrams of
265 opium per one hundred (100) milliliters or per one hundred (100)
266 grams;

267 (6) Not more than five-tenths (0.5) milligram of
268 difenoxin and not less than twenty-five (25) micrograms of
269 atropine sulfate per dosage unit.

270 * * *

271 (b) Unless specifically excepted or listed in another
272 schedule, any material, compound, mixture or preparation which
273 contains any quantity of the following substances, including their
274 salts, isomers and salts of isomers:

275 Pyrovalerone.

276 (B) Any material, compound, mixture or preparation which
277 contains any quantity of a Schedule V controlled substance and is
278 listed as an exempt substance in 21 C.F.R., Section 1308.22,
279 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
280 provisions of the Uniform Controlled Substances Law.

281 **SECTION 4.** This act shall take effect and be in force from
282 and after July 1, 2006.