

By: Representatives Barnett, Clarke, Bondurant, Chism, Fillingane, Ishee, Lott, Malone, Martinson, Moore, Palazzo, Robinson (84th), Rogers (14th), Rotenberry, Staples, Thomas, Upshaw, Woods

To: Judiciary A

HOUSE BILL NO. 1095

1 AN ACT TO AMEND SECTIONS 41-29-115 AND 41-29-117, MISSISSIPPI
2 CODE OF 1972, TO REMOVE HYDROCODONE FROM SCHEDULE III AND PLACE IT
3 IN SCHEDULE II; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 41-29-115, Mississippi Code of 1972, is
6 amended as follows:

7 41-29-115. (A) The controlled substances listed in this
8 section are included in Schedule II.

9 **SCHEDULE II**

10 (a) Any of the following substances, except those
11 narcotic drugs listed in other schedules, whether produced
12 directly or indirectly by extraction from substances of vegetable
13 origin, or independently by means of chemical synthesis, or by
14 combination of extraction and chemical synthesis:

15 (1) Opium and opiate, and any salt, compound,
16 derivative, or preparation of opium or opiate, excluding naloxone
17 hydrochloride, apomorphine, dextrorphan, nalbuphine, nalmefene and
18 naltrexone, but including the following:

- 19 (i) Raw opium;
- 20 (ii) Opium extracts;
- 21 (iii) Opium fluid extracts;
- 22 (iv) Powdered opium;
- 23 (v) Granulated opium;
- 24 (vi) Tincture of opium;
- 25 (vii) Codeine;
- 26 (viii) Ethylmorphine;
- 27 (ix) Etorphine hydrochloride;

- 28 (x) Hydrocodone;
29 (xi) Hydromorphone;
30 (xii) Metopon;
31 (xiii) Morphine;
32 (xiv) Oxycodone;
33 (xv) Oxymorphone;
34 (xvi) Thebaine.

35 (2) Any salt, compound, isomer, derivative, or
36 preparation thereof which is chemically equivalent or identical
37 with any of the substances referred to in paragraph (1), but not
38 including the isoquinoline alkaloids of opium;

39 (3) Opium poppy and poppy straw;

40 (4) Cocaine, coca leaves and any salt, compound,
41 derivative, or preparation of cocaine or coca leaves, and any
42 salt, compound, derivative, isomer, or preparation thereof which
43 is chemically equivalent or identical with any of these
44 substances, but not including decocainized coca leaves or
45 extractions which do not contain cocaine or ecgonine.

46 (b) Any of the following opiates, including their
47 isomers, esters, ethers, salts, and salts of isomers, whenever the
48 existence of these isomers, esters, ethers and salts is possible
49 within the specified chemical designation, dextorphan excepted:

- 50 (1) Alfentanil;
51 (2) Alphaprodine;
52 (3) Anileridine;
53 (4) Bezitramide;
54 (5) Bulk dextropropoxyphene (nondosage forms);
55 (6) Carfentanil;
56 (7) Dihydrocodeine;
57 (8) Diphenoxylate;
58 (9) Fentanyl;
59 (10) Isomethadone;

60 (11) Levo-alpha-acetylmethadol
61 (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);
62 (12) Levomethorphan;
63 (13) Levorphanol;
64 (14) Metazocine;
65 (15) Methadone;
66 (16) Methadone-intermediate,
67 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
68 (17) Moramide-intermediate,
69 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;
70 (18) Pethidine (meperidine);
71 (19) Pethidine-intermediate-A,
72 4-cyano-1-methyl-4-phenylpiperidine;
73 (20) Pethidine-intermediate-B,
74 ethyl-4-phenylpiperidine-4-carboxylate;
75 (21) Pethidine-intermediate-C,
76 1-methyl-4-phenylpiperidine-4-carboxylic acid;
77 (22) Phenazocine;
78 (23) Piminodine;
79 (24) Racemethorphan;
80 (25) Racemorphan;
81 (26) Remifentanil;
82 (27) Sufentanil.
83 (c) Any material, compound, mixture, or preparation
84 which contains any quantity of the following substances:
85 (1) Amphetamine, its salts, optical isomers, and
86 salts of its optical isomers;
87 (2) Phenmetrazine and its salts;
88 (3) Any substance which contains any quantity of
89 methamphetamine, including its salts, isomers, and salts of
90 isomers;
91 (4) Methylphenidate and its salts.

92 (d) Unless listed in another schedule, any material,
93 compound, mixture, or preparation which contains any quantity of
94 the following substances:

95 (1) Amobarbital;

96 (2) Secobarbital;

97 (3) Pentobarbital;

98 (4) Amphetamine and methamphetamine immediate

99 precursor: Phenylacetone (phenyl-2-propanone; P2P; benzyl methyl
100 ketone; and methyl benzyl ketone);

101 (5) Phencyclidine immediate precursors:

102 (i) 1-phenylcyclohexylamine;

103 (ii) 1-piperidinocyclohexanecarbonitrile

104 (PCC).

105 (6) Pentazocine and its salts in injectable dosage
106 form;

107 (7) Nabilone, other names include:

108 (+/-)-trans-3-(1,1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a -

109 hexahydro-1,1-hydroxy-6,6-dimethyl-9H-dibenzo (b,d) pyran-9-one;

110 (8) Glutethimide.

111 (e) Any material, compound, mixture, or preparation
112 containing limited quantities of any of the following narcotic
113 drugs, or any salts thereof:

114 (1) Not more than three hundred (300) milligrams
115 of dihydrocodeinone (also known as hydrocodone), or any of its
116 salts, per one hundred (100) milliliters or not more than fifteen
117 (15) milligrams per dosage unit, with a fourfold or greater
118 quantity of an isoquinoline alkaloid of opium;

119 (2) Not more than three hundred (300) milligrams
120 of dihydrocodeinone, or any of its salts, per one hundred (100)
121 milliliters or not more than fifteen (15) milligrams per dosage
122 unit, with one or more active nonnarcotic ingredients in
123 recognized therapeutic amounts;

124 (3) Not more than one and eight-tenths (1.8) grams
125 of dihydrocodeine, or any of its salts, per one hundred (100)
126 milliliters or not more than ninety (90) milligrams per dosage
127 unit, with one or more active, nonnarcotic ingredients in
128 recognized therapeutic amounts.

129 (B) Any material, compound, mixture or preparation which
130 contains any quantity of a Schedule II controlled substance and is
131 listed as an exempt substance in 21 C.F.R., Section 1308.24 or
132 1308.32, shall be exempted from the provisions of the Uniform
133 Controlled Substances Law.

134 **SECTION 2.** Section 41-29-117, Mississippi Code of 1972, is
135 amended as follows:

136 41-29-117. (A) The controlled substances listed in this
137 section are included in Schedule III.

138 **SCHEDULE III**

139 (a) Any material, compound, mixture, or preparation
140 which contains any quantity of the following substances or their
141 salts, isomers, or salts of isomers, of the following substances:

- 142 (1) Benzphetamine;
- 143 (2) Chlorphentermine;
- 144 (3) Clortermine;
- 145 (4) Phendimetrazine.

146 (b) Unless listed in another schedule, any material,
147 compound, mixture, or preparation which contains any quantity of
148 the following substances:

149 (1) Any substance which contains any quantity of a
150 derivative of barbituric acid, or any salt of a derivative of
151 barbituric acid, except those substances which are specifically
152 listed in other schedules.

153 (2) Unless specifically excepted or unless listed
154 in another schedule, any compound, mixture or preparation
155 containing any of the following substances or any salt of the
156 substances specifically included in this subsection (2) and one or

157 more other active medicinal ingredients which are not listed in
158 any other schedule:

159 (i) Amobarbital;

160 (ii) Secobarbital;

161 (iii) Pentobarbital.

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

166 (i) Amobarbital;

167 (ii) Secobarbital;

168 (iii) Pentobarbital.

169 (4) Chlorhexadol;

170 (5) Any drug product containing

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

174 (6) Lysergic acid;

175 (7) Lysergic acid amide;

176 (8) Methyprylon;

177 (9) Sulfondiethylmethane;

178 (10) Sulfonethylmethane;

179 (11) Sulfonmethane;

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

181 other names for the tiletamine and zolazepam combination product

182 include: telazol; other names for tiletamine include:

183 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for

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

185 8-trimethylpyrazolo - (3,4-e) (1,4)-diazepin-7 (1H)-one;

186 flupyrazapon.

187 (c) Nalorphine.

188 (d) Ketamine.

189 (e) Any material, compound, mixture, or preparation
190 containing limited quantities of any of the following narcotic
191 drugs, or any salts thereof:

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

196 (2) Not more than one and eight-tenths (1.8) grams
197 of codeine, or any of its salts, per one hundred (100) milliliters
198 or not more than ninety (90) milligrams per dosage unit, with one
199 or more active, nonnarcotic ingredients in recognized therapeutic
200 amounts;

201 * * *

202 (3) Not more than three hundred (300) milligrams
203 of ethylmorphine, or any of its salts, per one hundred (100)
204 milliliters or not more than fifteen (15) milligrams per dosage
205 unit, with one or more active, nonnarcotic ingredients in
206 recognized therapeutic amounts;

207 (4) Not more than five hundred (500) milligrams of
208 opium per one hundred (100) milliliters or per one hundred (100)
209 grams, or not more than twenty-five (25) milligrams per dosage
210 unit, with one or more active, nonnarcotic ingredients in
211 recognized therapeutic amounts;

212 (5) Not more than fifty (50) milligrams of
213 morphine, or any of its salts, per one hundred (100) milliliters
214 or per one hundred (100) grams with one or more active,
215 nonnarcotic ingredients in recognized therapeutic amounts.

216 (f) Any material, compound, mixture or preparation
217 containing any quantity of any of the following anabolic steroids,
218 which means any drug or hormonal substance chemically and
219 pharmacologically related to testosterone (other than estrogens,
220 progestins and corticosteroids) that promotes muscle growth,
221 unless listed in another schedule or excepted:

- 222 (1) Boldenone (dehydrotestosterone);
223 (2) Chlorotestosterone (clostebol,
224 4-chlorotestosterone, 4-chlorotestosterone);
225 (3) Dehydrochlormethyltestosterone;
226 (4) Dihydrotestosterone (stanolone,
227 4-dihydrotestosterone);
228 (5) Drostanolone;
229 (6) Ethylestrenol;
230 (7) Fluoxymesterone;
231 (8) Formebolone (formebolone);
232 (9) Mesterolone;
233 (10) Methandienone (methandrostenolone);
234 (11) Methandriol;
235 (12) Methenolone;
236 (13) Methyltestosterone;
237 (14) Mibolerone;
238 (15) Nandrolone;
239 (16) Norethandrolone;
240 (17) Oxandrolone;
241 (18) Oxymesterone;
242 (19) Oxymetholone;
243 (20) Stanozolol;
244 (21) Testolactone;
245 (22) Testosterone;
246 (23) Trenbolone;
247 (24) Any salt, ester, or isomer of a drug or
248 substance described or listed in this paragraph, if that salt,
249 ester, or isomer promotes muscle growth.
250 (g) Any material, compound, mixture or preparation
251 which contains any quantity of buprenorphine or its salts.
252 (h) Any material, compound, mixture or preparation
253 which contains any quantity of pentazocine or its salts in oral
254 dosage form.

255 (i) Dronabinol (synthetic) in sesame oil and
256 encapsulated in a soft gelatin capsule in a United States Food and
257 Drug Administration approved drug product.

258 (B) Any material, compound, mixture or preparation which
259 contains any quantity of a Schedule III controlled substance and
260 is listed as an exempt substance in 21 C.F.R., Section 1308.22,
261 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the
262 provisions of the Uniform Controlled Substances Law.

263 **SECTION 3.** This act shall take effect and be in force from
264 and after July 1, 2007.