

REFERENCE TITLE: marijuana; definition

State of Arizona  
Senate  
Fifty-first Legislature  
Second Regular Session  
2014

# **SB 1122**

Introduced by  
Senator Ward; Representative Borrelli; Senator Yee

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 13-3401. Definitions

5 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

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

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

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

34 (i) Alpha-ethyltryptamine.

35 (ii) Aminorex.

36 (iii) 4-bromo-2, 5-dimethoxyphenethylamine.

37 (iv) 4-bromo-2, 5-dimethoxyamphetamine.

38 (v) Bufotenine.

39 (vi) Diethyltryptamine.

40 (vii) 2, 5-dimethoxyamphetamine.

41 (viii) Dimethyltryptamine.

42 (ix) 5-methoxy-3, 4-methylenedioxyamphetamine.

43 (x) 4-methyl-2, 5-dimethoxyamphetamine.

44 (xi) Ibogaine.

45 (xii) Lysergic acid amide.

- 1 (xiii) Lysergic acid diethylamide.  
 2 (xiv) Mescaline.  
 3 (xv) 4-methoxyamphetamine.  
 4 (xvi) Methoxymethylenedioxyamphetamine (MDMA).  
 5 (xvii) Methylenedioxyamphetamine (MDA).  
 6 (xviii) 3, 4-methylenedioxyamphetamine.  
 7 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.  
 8 (xx) N-ethyl-3-piperidyl benzilate (JB-318).  
 9 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.  
 10 (xxii) N-methyl-3-piperidyl benzilate (JB-336).  
 11 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).  
 12 (xxiv) Nabilone.  
 13 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).  
 14 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).  
 15 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.  
 16 (xxviii) Para-methoxyamphetamine (PMA).  
 17 (xxix) Psilocybin.  
 18 (xxx) Psilocyn.  
 19 (xxxi) Synhexyl.  
 20 (xxxii) Trifluoromethylphenylpiperazine (TFMPP).  
 21 (xxxiii) Trimethoxyamphetamine (TMA).  
 22 (xxxiv) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).  
 23 (xxxv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).  
 24 (xxxvi) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).  
 25 (xxxvii) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).  
 26 (xxxviii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200  
 27 and isomers).  
 28 (xxxix) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).  
 29 (xl) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone  
 30 (JWH-015 and isomers).  
 31 (xli) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-  
 32 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).  
 33 (xlii) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol  
 34 (CP 47,497 and isomers).  
 35 (xliii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol  
 36 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).  
 37 (b) Any material, compound, mixture or preparation which contains any  
 38 quantity of cannabimimetic substances and their salts, isomers, whether  
 39 optical, positional or geometric, and salts of isomers, unless specifically  
 40 excepted, whenever the existence of such salts, isomers and salts of isomers  
 41 is possible within the specific chemical designation. For the purposes of  
 42 this subdivision, "cannabimimetic substances" means any substances within the  
 43 following structural classes:  
 44 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position  
 45 of the phenolic ring by alkyl or alkenyl, whether or not substituted on the

1 cyclohexyl ring to any extent. Substances in the  
2 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497  
3 C8-Homolog, CP-55,940 and CP-56,667.

4 (ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution  
5 at the nitrogen atom of the indole ring, whether or not further substituted  
6 on the indole ring to any extent, whether or not substituted on the naphthoyl  
7 or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole  
8 generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009,  
9 JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048,  
10 JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079,  
11 JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120,  
12 JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184,  
13 JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197,  
14 JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235,  
15 JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387,  
16 JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413,  
17 JWH-414 and JWH-415.

18 (iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the  
19 pyrrole ring, whether or not further substituted in the pyrrole ring to any  
20 extent, whether or not substituted on the naphthoyl ring to any extent.  
21 Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030,  
22 JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245,  
23 JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363,  
24 JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and  
25 JWH-392.

26 (iv) 1-(naphthylmethylene)indene by substitution of the 3-position of  
27 the indene ring, whether or not further substituted in the indene ring to any  
28 extent, whether or not substituted on the naphthyl ring to any extent.  
29 Substances in the 1-(naphthylmethylene)indene generic definition include  
30 JWH-176.

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

39 (vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole  
40 or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of  
41 the indole ring, whether or not further substituted in the indole ring to any  
42 extent, whether or not substituted on the cyclopropyl, cyclobutyl or  
43 cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone)  
44 indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

- 1 (c) Any material, compound, mixture or preparation which contains any  
 2 quantity of the following substances and their salts, isomers, whether  
 3 optical, positional or geometric, and salts of isomers having a potential for  
 4 abuse associated with a stimulant effect on the central nervous system:
- 5 (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
  - 6 (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
  - 7 (iii) Alpha-pyrrolidinovalerophenone (Alpha-PVP).
  - 8 (iv) Amphetamine.
  - 9 (v) Benzphetamine.
  - 10 (vi) Benzylpiperazine (BZP).
  - 11 (vii) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
  - 12 (viii) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
  - 13 (ix) Butorphanol.
  - 14 (x) Cathine ((+)-norpseudoephedrine).
  - 15 (xi) Cathinomimetic substances which are any substances derived from  
 16 cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl  
 17 ring, any substitution at the 3 position, any substitution at the nitrogen  
 18 atom or any combination of the above substitutions.
  - 19 (xii) Cathinone.
  - 20 (xiii) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
  - 21 (xiv) Chlorphentermine.
  - 22 (xv) Clortermine.
  - 23 (xvi) Diethylpropion.
  - 24 (xvii) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI).
  - 25 (xviii) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
  - 26 (xix) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
  - 27 (xx) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
  - 28 (xxi) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
  - 29 (xxii) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
  - 30 (xxiii) Dimethylcathinone (Metamfepramone).
  - 31 (xxiv) Ethcathinone.
  - 32 (xxv) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
  - 33 (xxvi) Fencamfamin.
  - 34 (xxvii) Fenethylamine.
  - 35 (xxviii) Fenproporex.
  - 36 (xxix) Fluoromethcathinone.
  - 37 (xxx) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
  - 38 (xxxi) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
  - 39 (xxxii) Mazindol.
  - 40 (xxxiii) Mefenorex.
  - 41 (xxxiv) Methamphetamine.
  - 42 (xxxv) Methcathinone.
  - 43 (xxxvi) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
  - 44 (xxxvii) Methoxymethcathinone (methedrone).

- 1 (xxxviii) Methoxyphenethylamine mimetic substances which are any  
2 substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at  
3 the phenyl ring, any substitution at the nitrogen atom or any combination of  
4 the above substitutions.
- 5 (xxxix) 4-methylaminorex.  
6 (xl) Methyl-a-pyrrolidinobutiophenone (MPBP).  
7 (xli) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).  
8 (xlii) Methylenedioxyethcathinone (Ethylone).  
9 (xliii) Methylenedioxymethcathinone (Methylone).  
10 (xliv) Methylenedioxypropylvalerone (MDPV).  
11 (xlv) Methylmethcathinone (Mephedrone).  
12 (xlvi) Methylphenidate.  
13 (xlvii) Modafinil.  
14 (xlviii) Naphthylpyrovalerone (Naphyrone).  
15 (xlix) N-ethylamphetamine.  
16 (l) N, N-dimethylamphetamine.  
17 (li) Pemoline.  
18 (lii) Phendimetrazine.  
19 (liii) Phenmetrazine.  
20 (liv) Phentermine.  
21 (lv) Pipradol.  
22 (lvi) Propylhexedrine.  
23 (lvii) Pyrovalerone.  
24 (lviii) Sibutramine.  
25 (lix) Spa ((-)-1-dimethylamino-1,2-diphenylethane).  
26 (d) Any material, compound, mixture or preparation which contains any  
27 quantity of the following substances having a potential for abuse associated  
28 with a depressant effect on the central nervous system:  
29 (i) Any substance which contains any quantity of a derivative of  
30 barbituric acid, or any salt of a derivative of barbituric acid, unless  
31 specifically excepted.  
32 (ii) Alprazolam.  
33 (iii) Bromazepam.  
34 (iv) Camazepam.  
35 (v) Carisoprodol.  
36 (vi) Chloral betaine.  
37 (vii) Chloral hydrate.  
38 (viii) Chlordiazepoxide.  
39 (ix) Chlorhexadol.  
40 (x) Clobazam.  
41 (xi) Clonazepam.  
42 (xii) Clorazepate.  
43 (xiii) Clotiazepam.  
44 (xiv) Cloxazolam.  
45 (xv) Delorazepam.

- 1 (xvi) Diazepam.
- 2 (xvii) Dichloralphenazone.
- 3 (xviii) Estazolam.
- 4 (xix) Ethchlorvynol.
- 5 (xx) Ethinamate.
- 6 (xxi) Ethyl loflazepate.
- 7 (xxii) Fenfluramine.
- 8 (xxiii) Fludiazepam.
- 9 (xxiv) Flunitrazepam.
- 10 (xxv) Flurazepam.
- 11 (xxvi) Gamma hydroxy butyrate.
- 12 (xxvii) Glutethimide.
- 13 (xxviii) Halazepam.
- 14 (xxix) Haloxazolam.
- 15 (xxx) Ketamine.
- 16 (xxxi) Ketazolam.
- 17 (xxxii) Loprazolam.
- 18 (xxxiii) Lorazepam.
- 19 (xxxiv) Lormetazepam.
- 20 (xxxv) Lysergic acid.
- 21 (xxxvi) Mebutamate.
- 22 (xxxvii) Mecloqualone.
- 23 (xxxviii) Medazepam.
- 24 (xxxix) Meprobamate.
- 25 (xl) Methaqualone.
- 26 (xli) Methohexital.
- 27 (xlii) Methyprylon.
- 28 (xliii) Midazolam.
- 29 (xliv) Nimetazepam.
- 30 (xlv) Nitrazepam.
- 31 (xlvi) Nordiazepam.
- 32 (xlvii) Oxazepam.
- 33 (xlviii) Oxazolam.
- 34 (xlix) Paraldehyde.
- 35 (l) Petrichloral.
- 36 (li) Phencyclidine.
- 37 (lii) Pinazepam.
- 38 (liii) Prazepam.
- 39 (liv) Scopolamine.
- 40 (lv) Sulfondiethylmethane.
- 41 (lvi) Sulfonethylmethane.
- 42 (lvii) Sulfonmethane.
- 43 (lviii) Quazepam.
- 44 (lix) Temazepam.
- 45 (lx) Tetrazepam.

1 (lxi) Tiletamine.

2 (lxii) Triazolam.

3 (lxiii) Zaleplon.

4 (lxiv) Zolazepam.

5 (lxv) Zolpidem.

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

9 (i) Boldenone.

10 (ii) Clostebol (4-chlorotestosterone).

11 (iii) Dehydrochloromethyltestosterone.

12 (iv) Drostanolone.

13 (v) Ethylestrenol.

14 (vi) Fluoxymesterone.

15 (vii) Formebolone (formebolone).

16 (viii) Mesterolone.

17 (ix) Methandriol.

18 (x) Methandrostenolone (methandienone).

19 (xi) Methenolone.

20 (xii) Methyltestosterone.

21 (xiii) Mibolerone.

22 (xiv) Nandrolone.

23 (xv) Norethandrolon.

24 (xvi) Oxandrolone.

25 (xvii) Oxymesterone.

26 (xviii) Oxymetholone.

27 (xix) Stanolone (4-dihydrotestosterone).

28 (xx) Stanozolol.

29 (xxi) Testolactone.

30 (xxii) Testosterone.

31 (xxiii) Trenbolone.

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

34 8. "Director" means the director of the department of health services.

35 9. "Dispense" means distribute, leave with, give away, dispose of or  
36 deliver.

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

43 11. "Drug dependent person" means a person who is using a substance  
44 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in



1 a state of psychological or physical dependence, or both, arising from the  
2 use of that substance.

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

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

7 14. "Isonipecaine" means any substance identified chemically as  
8 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of  
9 such substance, by whatever trade name designated.

10 15. "Ketobemidone" means any substance identified chemically as  
11 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any  
12 salt of such substance, by whatever trade name designated.

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

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

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

26 19. "Marijuana":

27 (a) Means all parts of any plant of the genus cannabis, from which the  
28 resin has not been extracted, whether growing or not, and the seeds of such  
29 plant.

30 (b) ~~Marijuana~~ Does not include:

31 (i) The mature stalks of ~~such~~ ANY plant OF THE GENUS CANNABIS or the  
32 sterilized seed of such plant ~~which~~ THAT is incapable of germination.

33 (ii) THE PLANT CANNABIS SATIVA L. AND ANY PART OF THE PLANT, WHETHER  
34 GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF NOT MORE  
35 THAN 0.3 PER CENT ON A DRY WEIGHT BASIS.

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

39 (a) Acetyl-alpha-methylfentanyl.

40 (b) Acetylmethadol.

41 (c) Alfentanil.

42 (d) Allylprodine.

43 (e) Alphacetylmethadol.

44 (f) Alphameprodine.

45 (g) Alphamethadol.

- 1 (h) Alpha-methylfentanyl.
- 2 (i) Alpha-methylthiofentanyl.
- 3 (j) Alphaprodine.
- 4 (k) Amidone (methadone).
- 5 (l) Anileridine.
- 6 (m) Benzethidine.
- 7 (n) Benzylfentanyl.
- 8 (o) Betacetylmethadol.
- 9 (p) Beta-hydroxyfentanyl.
- 10 (q) Beta-hydroxy-3-methylfentanyl.
- 11 (r) Betameprodine.
- 12 (s) Betamethadol.
- 13 (t) Betaprodine.
- 14 (u) Bezitramide.
- 15 (v) Buprenorphine and its salts.
- 16 (w) Cannabis.
- 17 (x) Carfentanil.
- 18 (y) Clonitazene.
- 19 (z) Coca leaves.
- 20 (aa) Dextromoramide.
- 21 (bb) Dextropropoxyphene.
- 22 (cc) Diampromide.
- 23 (dd) Diethylthiambutene.
- 24 (ee) Difenoxyin.
- 25 (ff) Dihydrocodeine.
- 26 (gg) Dimenoxadol.
- 27 (hh) Dimepheptanol.
- 28 (ii) Dimethylthiambutene.
- 29 (jj) Dioxaphetyl butyrate.
- 30 (kk) Diphenoxylate.
- 31 (ll) Dipipanone.
- 32 (mm) Ethylmethylthiambutene.
- 33 (nn) Etonitazene.
- 34 (oo) Etoxeridine.
- 35 (pp) Fentanyl.
- 36 (qq) Furethidine.
- 37 (rr) Hydroxypethidine.
- 38 (ss) Isoamidone (isomethadone).
- 39 (tt) Pethidine (meperidine).
- 40 (uu) Ketobemidone.
- 41 (vv) Levomethorphan.
- 42 (ww) Levomoramide.
- 43 (xx) Levophenacymorphan.
- 44 (yy) Levorphanol.
- 45 (zz) Metazocine.

- 1 (aaa) 3-methylfentanyl.
- 2 (bbb) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 3 (ccc) 3-methylthiofentanyl.
- 4 (ddd) Morpheridine.
- 5 (eee) Noracymethadol.
- 6 (fff) Norlevorphanol.
- 7 (ggg) Normethadone.
- 8 (hhh) Norpipanone.
- 9 (iii) Opium.
- 10 (jjj) Para-fluorofentanyl.
- 11 (kkk) Pentazocine.
- 12 (lll) Phenadoxone.
- 13 (mmm) Phenampromide.
- 14 (nnn) Phenazocine.
- 15 (ooo) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 16 (ppp) Phenomorphan.
- 17 (qqq) Phenoperidine.
- 18 (rrr) Piminodine.
- 19 (sss) Piritramide.
- 20 (ttt) Proheptazine.
- 21 (uuu) Properidine.
- 22 (vvv) Propiram.
- 23 (www) Racemethorphan.
- 24 (xxx) Racemoramide.
- 25 (yyy) Racemorphan.
- 26 (zzz) Remifentanil.
- 27 (aaaa) Sufentanil.
- 28 (bbbb) Thenylfentanyl.
- 29 (cccc) Thiofentanyl.
- 30 (dddd) Tilidine.
- 31 (eeee) Trimeperidine.

32 21. "Opium" means any compound, manufacture, salt, isomer, salt of  
33 isomer, derivative, mixture or preparation of the following, but does not  
34 include apomorphine or any of its salts:

- 35 (a) Acetorphine.
- 36 (b) Acetyldihydrocodeine.
- 37 (c) Benzylmorphine.
- 38 (d) Codeine.
- 39 (e) Codeine methylbromide.
- 40 (f) Codeine-N-oxide.
- 41 (g) Cyprenorphine.
- 42 (h) Desomorphine.
- 43 (i) Dihydromorphine.
- 44 (j) Drotebanol.
- 45 (k) Ethylmorphine.

- 1 (l) Etorphine.
- 2 (m) Heroin.
- 3 (n) Hydrocodone.
- 4 (o) Hydromorphenol.
- 5 (p) Hydromorphone.
- 6 (q) Levo-alphaacetylmethadol.
- 7 (r) Methyldesorphine.
- 8 (s) Methyldihydromorphone.
- 9 (t) Metopon.
- 10 (u) Morphine.
- 11 (v) Morphine methylbromide.
- 12 (w) Morphine methylsulfonate.
- 13 (x) Morphine-N-oxide.
- 14 (y) Myrophine.
- 15 (z) Nalorphine.
- 16 (aa) Nicocodeine.
- 17 (bb) Nicomorphine.
- 18 (cc) Normorphine.
- 19 (dd) Oxycodone.
- 20 (ee) Oxymorphone.
- 21 (ff) Pholcodine.
- 22 (gg) Thebacon.
- 23 (hh) Thebaine.

24 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
25 phenylpropanolamine product" means a product that contains ephedrine,  
26 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is  
27 all of the following:

- 28 (a) Approved for sale under the federal act.
- 29 (b) Labeled, advertised and marketed only for an indication that is  
30 approved by the federal food and drug administration.
- 31 (c) Either:
  - 32 (i) A nonliquid that is sold in package sizes of not more than three  
33 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
34 phenylpropanolamine and that is packaged in blister packs containing not more  
35 than two dosage units or, if the use of blister packs is technically  
36 infeasible, that is packaged in unit dose packets or pouches.
  - 37 (ii) A liquid that is sold in package sizes of not more than three  
38 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
39 phenylpropanolamine.

40 23. "Peyote" means any part of a plant of the genus *Lophophora*, known  
41 as the mescal button.

42 24. "Pharmacy" means a licensed business where drugs are compounded or  
43 dispensed by a licensed pharmacist.

44 25. "Practitioner" means a person licensed to prescribe and administer  
45 drugs.

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

- 4           (a) N-acetylanthranilic acid.
- 5           (b) Anthranilic acid.
- 6           (c) Ephedrine.
- 7           (d) Ergotamine.
- 8           (e) Isosafrole.
- 9           (f) Lysergic acid.
- 10          (g) Methylamine.
- 11          (h) N-ethylephedrine.
- 12          (i) N-ethylpseudoephedrine.
- 13          (j) N-methylephedrine.
- 14          (k) N-methylpseudoephedrine.
- 15          (l) Norephedrine.
- 16          (m) (-)-Norpseudoephedrine.
- 17          (n) Phenylacetic acid.
- 18          (o) Phenylpropanolamine.
- 19          (p) Piperidine.
- 20          (q) Pseudoephedrine.

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

- 24          (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 25          (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 26          (c) Chlorephedrine.
- 27          (d) Chlorpseudoephedrine.
- 28          (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 29          (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 30          (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 31          (h) N-formyl amphetamine.
- 32          (i) N-formyl methamphetamine.
- 33          (j) Phenyl-2-propanone.
- 34          (k) 1-piperidinocyclohexane carbonitrile.
- 35          (l) 1-pyrrolidinocyclohexane carbonitrile.

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

- 38          (a) Any drug which because of its toxicity or other potentiality for  
39 harmful effect, or the method of its use, or the collateral measures  
40 necessary to its use, is not generally recognized among experts, qualified by  
41 scientific training and experience to evaluate its safety and efficacy, as  
42 safe for use except by or under the supervision of a medical practitioner.
- 43          (b) Any drug that is limited by an approved new drug application under  
44 the federal act or section 32-1962 to use under the supervision of a medical  
45 practitioner.

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

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

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

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

- 10 (a) Acetic anhydride.
- 11 (b) Hypophosphorous acid.
- 12 (c) Iodine.
- 13 (d) Sodium acetate.
- 14 (e) Red phosphorus.
- 15 (f) Gamma butyrolactone (GBL).
- 16 (g) 1, 4-butanediol.
- 17 (h) Butyrolactone.
- 18 (i) 1, 2 butanolide.
- 19 (j) 2-oxanalone.
- 20 (k) Tetrahydro-2-furanone.
- 21 (l) Dihydro-2(3H)-furanone.
- 22 (m) Tetramethylene glycol.

23 31. "Retailer" means either:

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

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

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

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

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

37 35. "Suspicious transaction" means a transaction to which any of the  
38 following applies:

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

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

1 (c) The transaction involves payment for precursor or regulated  
2 chemicals in cash or money orders in a total amount of more than two hundred  
3 dollars.

4 (d) The transaction involves a sale, a transfer or furnishing to a  
5 retailer for resale without a prescription of ephedrine, pseudoephedrine,  
6 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary  
7 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine  
8 product.

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

11 (a) One gram of heroin.

12 (b) Nine grams of cocaine.

13 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed  
14 cocaine.

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

16 (e) Nine grams of methamphetamine, including methamphetamine in liquid  
17 suspension.

18 (f) Nine grams of amphetamine, including amphetamine in liquid  
19 suspension.

20 (g) One-half milliliter of lysergic acid diethylamide, or in the case  
21 of blotter dosage units fifty dosage units.

22 (h) Two pounds of marijuana.

23 (i) For any combination consisting solely of those unlawful substances  
24 listed in subdivisions (a) through (h) of this paragraph, an amount equal to  
25 or in excess of the threshold amount, as determined by the application of  
26 section 13-3420.

27 (j) For any unlawful substance not listed in subdivisions (a) through  
28 (h) of this paragraph or any combination involving any unlawful substance not  
29 listed in subdivisions (a) through (h) of this paragraph, a value of at least  
30 one thousand dollars.

31 37. "Transfer" means furnish, deliver or give away.

32 38. "Vapor-releasing substance containing a toxic substance" means a  
33 material which releases vapors or fumes containing any of the following:

34 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,  
35 isophorone and mesityl oxide.

36 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane  
37 and halogenated hydrocarbons.

38 (c) Ethylene dichloride.

39 (d) Pentachlorophenol.

40 (e) Chloroform.

41 (f) Methylene chloride.

42 (g) Trichloroethylene.

43 (h) Difluoroethane.

44 (i) Tetrafluoroethane.

45 (j) Aldehydes, including formaldehyde.

- 1 (k) Acetates, including ethyl acetate and butyl acetate.
- 2 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
- 3 cumene.
- 4 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
- 5 alcohol, butyl alcohol and diacetone alcohol.
- 6 (n) Ether, including Diethyl ether and petroleum ether.
- 7 (o) Nitrous oxide.
- 8 (p) Amyl nitrite.
- 9 (q) Isobutyl nitrite.

10 39. "Weight" unless otherwise specified includes the entire weight of  
11 any mixture or substance that contains a detectable amount of an unlawful  
12 substance. If a mixture or substance contains more than one unlawful  
13 substance, the weight of the entire mixture or substance is assigned to the  
14 unlawful substance that results in the greater offense. If a mixture or  
15 substance contains lysergic acid diethylamide, the offense that results from  
16 the unlawful substance shall be based on the greater offense as determined by  
17 the entire weight of the mixture or substance or the number of blotter dosage  
18 units. For the purposes of this paragraph, "mixture" means any combination  
19 of substances from which the unlawful substance cannot be removed without a  
20 chemical process.

21 40. "Wholesaler" means a person who in the usual course of business  
22 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or  
23 regulated chemicals that he himself has not produced or prepared, but not to  
24 a person for the purpose of consumption by the person, whether or not the  
25 wholesaler has a permit that is issued pursuant to title 32, chapter 18.  
26 Wholesaler includes a person who sells, delivers or dispenses a precursor  
27 chemical in an amount or under circumstances that would require registration  
28 as a distributor of precursor chemicals under the federal act.