

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 518

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO UNIFORM CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE I CONTROLLED SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2707, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE II DRUGS AND OTHER SUBSTANCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 37-2709, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE III DRUGS AND OTHER SUBSTANCES; AMENDING SECTION 37-2711, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE IV DRUGS AND OTHER SUBSTANCES; AMENDING SECTION 37-2713, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHEDULE V DRUGS AND OTHER SUBSTANCES; AND AMENDING SECTION 37-2732C, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);
- (2) Acetylmethadol;
- (3) Allylprodine;
- (4) Alphacetylmethadol (except levo-alpha-acetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM);
- (5) Alphameprodine;
- (6) Alphamethadol;
- (7) Alpha-methylfentanyl;
- (8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);
- (9) Benzethidine;
- (10) Betacetylmethadol;
- (11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);
- (12) Beta-hydroxy-3-methylfentanyl (N-(1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl)-N-phenylpropanamide);
- (13) Betameprodine;
- (14) Betamethadol;
- (15) Betaprodine;
- (16) Clonitazene;

- 1 (17) Dextromoramide;
- 2 (18) Diampromide;
- 3 (19) Diethylthiambutene;
- 4 (20) Difenoxylin;
- 5 (21) Dimenoxadol;
- 6 (22) Dimepheptanol;
- 7 (23) Dimethylthiambutene;
- 8 (24) Dioxaphetyl butyrate;
- 9 (25) Dipipanone;
- 10 (26) Ethylmethylthiambutene;
- 11 (27) Etonitazene;
- 12 (28) Etoxeridine;
- 13 (29) Furethidine;
- 14 (30) Hydroxypethidine;
- 15 (31) Ketobemidone;
- 16 (32) Levomoramide;
- 17 (33) Levophenacymorphan;
- 18 (34) 3-Methylfentanyl;
- 19 (35) 3-methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-pip-
- 20 eridinyll-N-phenylpropanamide);
- 21 (36) Morpheridine;
- 22 (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);
- 23 (38) Noracymethadol;
- 24 (39) Norlevorphanol;
- 25 (40) Normethadone;
- 26 (41) Norpipanone;
- 27 (42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phen-
- 28 ethyl)-4-piperidinyll propanamide);
- 29 (43) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 30 (44) Phenadoxone;
- 31 (45) Phenampromide;
- 32 (46) Phenomorphan;
- 33 (47) Phenoperidine;
- 34 (48) Piritramide;
- 35 (49) Proheptazine;
- 36 (50) Properidine;
- 37 (51) Propiram;
- 38 (52) Racemoramide;
- 39 (53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piper-
- 40 idinyll]-propanamide);
- 41 (54) Tilidine;
- 42 (55) Trimeperidine.
- 43 (c) Any of the following opium derivatives, their salts, isomers and
- 44 salts of isomers, unless specifically excepted, whenever the existence of
- 45 these salts, isomers and salts of isomers is possible within the specific
- 46 chemical designation:
- 47 (1) Acetorphine;
- 48 (2) Acetyldihydrocodeine;
- 49 (3) Benzylmorphine;
- 50 (4) Codeine methylbromide;

- 1 (5) Codeine-N-Oxide;
- 2 (6) Cyprenorphine;
- 3 (7) Desomorphine;
- 4 (8) Dihydromorphine;
- 5 (9) Drotebanol;
- 6 (10) Etorphine (except hydrochloride salt);
- 7 (11) Heroin;
- 8 (12) Hydromorphanol;
- 9 (13) Methyldesorphine;
- 10 (14) Methyldihydromorphine;
- 11 (15) Morphine methylbromide;
- 12 (16) Morphine methylsulfonate;
- 13 (17) Morphine-N-Oxide;
- 14 (18) Myrophine;
- 15 (19) Nicocodeine;
- 16 (20) Nicomorphine;
- 17 (21) Normorphine;
- 18 (22) Pholcodine;
- 19 (23) Thebacon.

20 (d) Hallucinogenic substances. Any material, compound, mixture or
 21 preparation which contains any quantity of the following hallucinogenic
 22 substances, their salts, isomers and salts of isomers, unless specifically
 23 excepted, whenever the existence of these salts, isomers, and salts of
 24 isomers is possible within the specific chemical designation (for purposes
 25 of this paragraph only, the term "isomer" includes the optical, position and
 26 geometric isomers):

- 27 (1) 4-bromo-2,5-dimethoxy amphetamine;
- 28 (2) 2,5-dimethoxyamphetamine;
- 29 (3) 4-bromo-2,5-dimethoxyphenethylamine (some other names: alp-
 30 ha-desmethyl DOB, 2C-B);
- 31 (4) 2,5-dimethoxy-4-ethylamphetamine (another name: DOET);
- 32 (5) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 33 (6) 4-methoxyamphetamine (PMA);
- 34 ~~(67)~~ 5-methoxy-3,4-methylenedioxy-amphetamine;
- 35 (8) 5-methoxy-N,N-diisopropyltryptamine;
- 36 ~~(79)~~ 4-methyl-2,5-dimethoxy-amphetamine (DOM, STP);
- 37 ~~(810)~~ 3,4-methylenedioxy amphetamine;
- 38 ~~(911)~~ 3,4-methylenedioxymethamphetamine (MDMA);
- 39 ~~(102)~~ 3,4-methylenedioxy-N-ethylamphetamine (also known as N-et-
 40 hyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-et-
 41 hyl MDA, MDE, MDEA);
- 42 ~~(113)~~ N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hyd-
 43 roxy-alpha-methyl-3,4 (methylenedioxy) phenethylamine, and N-hyd-
 44 roxy MDA);
- 45 ~~(124)~~ 3,4,5-trimethoxy amphetamine;
- 46 ~~(135)~~ Alpha-ethyltryptamine (some other names: etryptamine, 3-(2-am-
 47 inobutyl) indole);
- 48 (16) Alpha-methyltryptamine;
- 49 ~~(147)~~ Bufotenine;
- 50 ~~(158)~~ Diethyltryptamine (DET);

- 1 (169) Dimethyltryptamine (DMT);
 2 (~~1720~~) Ibogaine;
 3 (~~1821~~) Lysergic acid diethylamide;
 4 (~~1922~~) Marihuana;
 5 (203) Mescaline;
 6 (214) Parahexyl;
 7 (225) Peyote;
 8 (~~236~~) N-ethyl-3-piperidyl benzilate;
 9 (247) N-methyl-3-piperidyl benzilate;
 10 (258) Psilocybin;
 11 (~~269~~) Psilocyn;
 12 (~~2730~~) Tetrahydrocannabinols. Synthetic equivalents of the substances
 13 contained in the plant, or in the resinous extractives of Cannabis,
 14 sp. and/or synthetic substances, derivatives, and their isomers with
 15 similar chemical structure and pharmacological activity such as the
 16 following:
 17 Δ^1 cis or trans tetrahydrocannabinol, and their optical isomers,
 18 excluding dronabinol in sesame oil and encapsulated in a soft
 19 gelatin capsule in a drug product approved by the U.S. Food and
 20 Drug Administration.
 21 Δ^6 cis or trans tetrahydrocannabinol, and their optical isomers.
 22 $\Delta^{3,4}$ cis or trans tetrahydrocannabinol, and its optical isomers.
 23 (Since nomenclature of these substances is not internationally
 24 standardized, compounds of these structures, regardless of numerical
 25 designation of atomic positions are covered.)
 26 (~~2831~~) Ethylamine analog of phencyclidine (N-ethyl-1-phenylcy-
 27 clohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcy-
 28 clohexyl) ethylamine, cyclohexamine, PCE;
 29 (~~329~~) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohex-
 30 yl) -pyrrolidine, PCPy, PHP;
 31 (~~303~~) Thiophene analog of phencyclidine 1-[1-(2-thienyl)-cy-
 32 clohexyl]-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;
 33 (~~314~~) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine another name: TCPy;
 34 (~~325~~) Spores or mycelium capable of producing mushrooms that contain
 35 psilocybin or psilocin.
 36 (e) Unless specifically excepted or unless listed in another schedule,
 37 any material, compound, mixture or preparation which contains any quantity
 38 of the following substances having a depressant effect on the central
 39 nervous system, including its salts, isomers, and salts of isomers whenever
 40 the existence of such salts, isomers, and salts of isomers is possible within
 41 the specific chemical designation:
 42 (1) Gamma hydroxybutyric acid (some other names include GHB; gam-
 43 ma-hydroxybutyrate, 4-hydroxybutyrate; 4-hydroxybutanoic acid; sod-
 44 ium oxybate; sodium oxybutyrate);
 45 (2) Flunitrazepam (also known as "R2," "Rohypnol");
 46 (3) Mecloqualone;
 47 (4) Methaqualone.
 48 (f) Stimulants. Unless specifically excepted or unless listed in
 49 another schedule, any material, compound, mixture, or preparation which
 50 contains any quantity of the following substances having a stimulant effect

1 on the central nervous system, including its salts, isomers, and salts of
2 isomers:

- 3 (1) Aminorex (some other names: aminoxaphen, 2-amino-5-phenyl-2-ox-
4 azoline, or 4,5-dihydro-5-phenyl-2-oxazolamine);
- 5 (2) Cathinone (some other names: alpha-aminopropiophenone, 2-amino-
6 propiophenone and norephedrone);
- 7 (3) Fenethylamine;
- 8 (4) Methcathinone (some other names: 2-(methyl-amino)-propioph-
9 enone, alpha-(methylamino)-propiophenone, N-methylcathin-
10 one, AL-464, AL-422, AL-463 and UR1423);
- 11 (5) ~~(±)~~ (+/-) cis-4-methylaminorex [(+/-) cis-4,5-dihydro-4-meth-
12 yl-5-phenyl-2-oxazolamine];
- 13 (6) N-benzylpiperazine (also known as: BZP, 1-benzylpiperazine);
- 14 (7) N-ethylamphetamine;
- 15 ~~(8)~~ N,N-dimethylamphetamine (also known as: N,N-al-
16 pha-trimethyl-benzeneethanamine).

17 (g) Temporary listing of substances subject to emergency scheduling.
18 Any material, compound, mixture or preparation which contains any quantity
19 of the following substances:

- 20 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
21 its optical isomers, salts and salts of isomers.
- 22 (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (then-
23 ylfentanyl), its optical isomers, salts and salts of isomers.
- 24 ~~(3) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-ox-~~
25 ~~azoline).~~

26 SECTION 2. That Section 37-2707, Idaho Code, be, and the same is hereby
27 amended to read as follows:

28 37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and
29 other substances, by whatever official name, common or usual name, chemical
30 name, or brand name designated, listed in this section.

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

- 36 (1) Opium and opiate, and any salt, compound, derivative, or
37 preparation of opium or opiate, excluding apomorphine, dextrorphan,
38 nalbuphine, nalmefene, naloxone, naltrexone and their respective
39 salts, but including the following:
 - 40 1. Raw opium;
 - 41 2. Opium extracts;
 - 42 3. Opium fluid extracts;
 - 43 4. Powdered opium;
 - 44 5. Granulated opium;
 - 45 6. Tincture of opium;
 - 46 7. Codeine;
 - 47 8. Dihydroetorphine;
 - 48 9. Diprenorphine;
 - 49 ~~10.~~ Ethylmorphine;

- 1 ~~9~~11. Etorphine hydrochloride;
 2 ~~10~~2. Hydrocodone;
 3 ~~11~~3. Hydromorphone;
 4 ~~12~~4. Metopon;
 5 ~~13~~5. Morphine;
 6 16. Oripavine;
 7 ~~14~~7. Oxycodone;
 8 ~~15~~8. Oxymorphone;
 9 19. Tapentadol;
 10 ~~16~~20. Thebaine.

11 (2) Any salt, compound, derivative, or preparation thereof which is
 12 chemically equivalent or identical with any of the substances referred
 13 to in paragraph (b) (1) of this section, except that these substances
 14 shall not include the isoquinoline alkaloids of opium.

15 (3) Opium poppy and poppy straw.

16 (4) Coca leaves and any salt, compound, derivative, or preparation
 17 of coca leaves, and any salt, compound, derivative, or preparation
 18 thereof which is chemically equivalent or identical with any of these
 19 substances, but not including decocainized coca leaves or extractions
 20 which do not contain cocaine or ecgonine.

21 (5) Benzoyllecgonine.

22 (6) Methylbenzoyllecgonine (Cocaine - its salts, optical isomers, and
 23 salts of optical isomers).

24 (6) Concentrate of poppy straw (the crude extract of poppy straw in
 25 either liquid, solid or powder form which contains the phenanthrine
 26 alkaloids of the opium poppy).

27 (c) Any of the following opiates, including their isomers, esters,
 28 ethers, salts, and salts of isomers, whenever the existence of these
 29 isomers, esters, ethers and salts is possible within the specific chemical
 30 designation, unless specifically excepted or unless listed in another
 31 schedule:

- 32 (1) Alfentanil;
 33 (2) Alphaprodine;
 34 (3) Anileridine;
 35 (4) Bezitramide;
 36 (5) Bulk Dextropropoxyphene (nondosage forms);
 37 (6) Carfentanil;
 38 (7) Dihydrocodeine;
 39 (8) Diphenoxylate;
 40 (9) Fentanyl;
 41 (10) Isomethadone;
 42 (11) Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmet-
 43 hadol, levomethadyl acetate, LAAM);
 44 (12) Levomethorphan;
 45 (13) Levorphanol;
 46 (14) Metazocine;
 47 (15) Methadone;
 48 (16) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl
 49 butane;

- 1 (17) Moramide -- Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl
2 propane-carboxylic acid;
3 (18) Pethidine (meperidine);
4 (19) Pethidine -- Intermediate -- A, 4-cyano-1-methyl-4-phenyl-
5 piperidine;
6 (20) Pethidine -- Intermediate -- B, ethyl-4-phenylpiperid-
7 ine-4-carboxylate;
8 (21) Pethidine -- Intermediate -- C, 1-methyl-4-phenylpiperid-
9 ine-4-carboxylic acid;
10 (22) Phenazocine;
11 (23) Piminodine;
12 (24) Racemethorphan;
13 (25) Racemorphan;
14 (26) Remifentanil;
15 (27) Sufentanil.
- 16 (d) Stimulants. Unless specifically excepted or unless listed in
17 another schedule, any material, compound, mixture, or preparation which
18 contains any quantity of the following substances having a stimulant effect
19 on the central nervous system:
20 (1) Amphetamine, its salts, optical isomers, and salts of its optical
21 isomers;
22 (2) Lisdexamfetamine;
23 (3) Methamphetamine, its salts, isomers, and salts of its isomers;
24 (34) Phenmetrazine and its salts;
25 (45) Methylphenidate.
- 26 (e) Depressants. Unless specifically excepted or unless listed in
27 another schedule, any material, compound, mixture, or preparation which
28 contains any quantity of the following substances having a depressant effect
29 on the central nervous system, including its salts, isomers, and salts of
30 isomers, whenever the existence of such salts, isomers, and salts of isomers
31 is possible within the specific chemical designation:
32 (1) Amobarbital;
33 (2) Glutethimide;
34 (3) Pentobarbital;
35 (4) Phencyclidine;
36 (5) Secobarbital.
37 (f) Hallucinogenic substances.
38 (1) ~~Nabiline~~ Nabilone (another name for nabilone:
39 (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hy-
40 droxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one) (21 C.F.R. 1308.12
41 (f)).
- 42 (g) Immediate precursors. Unless specifically excepted or unless
43 listed in another schedule, any material, compound, mixture, or preparation
44 which contains any quantity of the following substances:
45 (1) Immediate precursor to amphetamine and methamphetamine:
46 (a) Anthranilic acid;
47 (b) Ephedrine;
48 (c) Lead acetate;
49 (d) Methylamine;
50 (e) Methyl formamide;

- 1 (f) N-methylephedrine;
- 2 (g) Phenylacetic acid;
- 3 (h) Phenylacetone;
- 4 (i) Phenylpropanolamine;
- 5 (j) Pseudoephedrine.

6 Except that any combination or compound containing ephedrine, or any
 7 of its salts and isomers, or phenylpropanolamine or its salts and isomers,
 8 or pseudoephedrine, or any of its salts and isomers which is prepared for
 9 dispensing or over-the-counter distribution is not a controlled substance
 10 for the purpose of this section, unless such substance is possessed,
 11 delivered, or possessed with intent to deliver to another with the intent to
 12 manufacture methamphetamine, amphetamine or any other controlled substance
 13 in violation of section 37-2732, Idaho Code. For purposes of this provision,
 14 the requirements of the uniform controlled substances act shall not apply
 15 to a manufacturer, wholesaler or retailer of over-the-counter products
 16 containing the listed substances unless such person possesses, delivers,
 17 or possesses with intent to deliver to another the over-the-counter product
 18 with intent to manufacture a controlled substance.

- 19 (2) Immediate precursors to phencyclidine (PCP):
- 20 (a) 1-phenylcyclohexylamine;
- 21 (b) 1-piperidinocyclohexanecarbonitrile (PCC).

22 SECTION 3. That Section 37-2709, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 37-2709. SCHEDULE III. (a) Schedule III shall consist of the drugs and
 25 other substances, by whatever official name, common or usual name, chemical
 26 name, or brand name designated, listed in this section.

27 (b) Stimulants. Unless specifically excepted or unless listed in
 28 another schedule, any material, compound, mixture, or preparation which
 29 contains any quantity of the following substances having a stimulant effect
 30 on the central nervous system, including its salts, isomers, (whether
 31 optical or geometric), and salts of such isomers whenever the existence of
 32 such salts, isomers, and salts of isomers is possible within the specific
 33 chemical designation:

- 34 (1) Those compounds, mixtures, or preparations in dosage unit form
- 35 containing any stimulant substances listed in schedule II which
- 36 compounds, mixtures, or preparations were listed on August 25, 1971,
- 37 as excepted compounds under C.F.R. Sec. 308.32, and any other drug of
- 38 the quantitative composition shown in that list for those drugs or which
- 39 is the same except that it contains a lesser quantity of controlled
- 40 substances.
- 41 (2) Benzphetamine;
- 42 (3) Chlorphentermine;
- 43 (4) Clortermine;
- 44 (5) Phendimetrazine.

45 (c) Depressants. Unless listed in another schedule, any material,
 46 compound, mixture, or preparation which contains any quantity of the
 47 following substances having a potential for abuse associated with a
 48 depressant effect on the central nervous system:

- 49 (1) Any compound, mixture or preparation containing:

- 1 i. Amobarbital;
 2 ii. Secobarbital;
 3 iii. Pentobarbital or any salt thereof and one (1) or more other
 4 active medicinal ingredients which are not listed in any schedule.
- 5 (2) Any suppository dosage form containing:
 6 i. Amobarbital;
 7 ii. Secobarbital;
 8 iii. Pentobarbital or any salt of any of these drugs and approved
 9 by the Food and Drug Administration for marketing only as a
 10 suppository.
- 11 (3) Any substance which contains any quantity of a derivative of
 12 barbituric acid or any salt thereof, including, but not limited to:
 13 i. Aprobarbital;
 14 ii. Butabarbital (secbutabarbital);
 15 iii. Butalbital;
 16 iv. Butobarbital (butethal);
 17 v. Talbutal;
 18 vi. Thiamylal;
 19 vii. Thiopental;
 20 viii. Vinbarbital.
- 21 (4) Chlorhexadol;
 22 (5) Embutramide;
- 23 ~~(56)~~ Any drug product containing gamma hydroxybutyric acid, including
 24 its salts, isomers, and salts of isomers, for which an application is
 25 approved under section 505 of the federal food, drug, and cosmetic act;
 26 ~~(67)~~ Ketamine, its salts, isomers, and salts of iso-
 27 mers - 7285. (Some other names for ketamine: (+/-)-2-(2- chlorop-
 28 henyl)-2-(methylamino)-cyclohexanone).
- 29 ~~(78)~~ Lysergic acid;
 30 ~~(89)~~ Lysergic acid amide;
 31 ~~(910)~~ Methyprylon;
 32 ~~(101)~~ Sulfondiethylmethane;
 33 ~~(112)~~ Sulfonethylmethane;
 34 ~~(123)~~ Sulfonmethane;
 35 ~~(134)~~ Tiletamine and zolazepam or any salt thereof.
- 36 (d) Nalorphine.
 37 (e) Narcotic drugs. ~~(1)~~ Unless specifically excepted or unless listed
 38 in another schedule 7:
- 39 (1) Any material, compound, mixture, or preparation containing
 40 limited quantities of any of the following narcotic drugs, or any salts
 41 thereof:
 42 (i) Not more than 1.8 grams of codeine, or any of its salts, per
 43 100 milliliters or not more than 90 milligrams per dosage unit,
 44 with an equal or greater quantity of an isoquinoline alkaloid of
 45 opium;
 46 (ii) Not more than 1.8 grams of codeine, or any of its salts, per
 47 100 milliliters or not more than 90 milligrams per dosage unit,
 48 with one (1) or more active, nonnarcotic ingredients in recognized
 49 therapeutic amounts;

1 (iii) Not more than 300 milligrams of dihydrocodeinone, commonly
 2 known as hydrocodone, or any of its salts, per 100 milliliters or
 3 not more than 15 milligrams per dosage unit, with a fourfold or
 4 greater quantity of an isoquinoline alkaloid of opium;

5 (iv) Not more than 300 milligrams of dihydrocodeinone, commonly
 6 known as hydrocodone, or any of its salts, per 100 milliliters
 7 or not more than 15 milligrams per dosage unit, with one (1) or
 8 more active, nonnarcotic ingredients in recognized therapeutic
 9 amounts;

10 (v) Not more than 1.8 grams of dihydrocodeine, or any of its
 11 salts, per 100 milliliters or not more than 90 milligrams per
 12 dosage unit, with one (1) or more active, nonnarcotic ingredients
 13 in recognized therapeutic amounts;

14 (vi) Not more than 300 milligrams of ethylmorphine, or any of
 15 its salts, per 100 milliliters or not more than 15 milligrams
 16 per dosage unit, with one (1) or more ingredients in recognized
 17 therapeutic amounts;

18 (vii) Not more than 500 milligrams of opium per 100 milliliters
 19 or per 100 grams, or not more than 25 milligrams per dosage unit,
 20 with one (1) or more active, nonnarcotic ingredients in recognized
 21 therapeutic amounts;

22 (viii) Not more than 50 milligrams of morphine, or any of its
 23 salts, per 100 milliliters or per 100 grams with one (1) or
 24 more active, nonnarcotic ingredients in recognized therapeutic
 25 amounts.

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

28 (i) Buprenorphine.

29 (ii) [Reserved].

30 (f) Anabolic steroids and human growth hormones. Any drug or hormonal
 31 substance, chemically and pharmacologically related to testosterone (other
 32 than estrogens, progestins and corticosteroids) that promotes muscle growth
 33 including any salt, ester or isomer of a drug or substance listed in this
 34 paragraph, if that salt, ester or isomer promotes muscle growth.

35 (1) 13beta-ethyl-17beta-hydroxygon-4-en-3-one;

36 (2) 17alpha-methyl-3alpha, 17beta-dihydroxy-5alpha-androstane;

37 (3) 17alpha-methyl-3beta, 17beta-dihydroxy-5alpha-androstane;

38 (4) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;

39 (5) 17alpha-methyl-4-hydroxynandrolone;

40 (6) 17alpha-methyl-delta1-dihydrotestosterone;

41 (7) 19-nor-4-androstenediol;

42 (8) 19-nor-4-androstenedione;

43 (9) 19-nor-4, 9(10)-androstadienedione;

44 (10) 19-nor-5-androstenediol;

45 (11) 19-nor-5-androstenedione;

46 (12) 1-androstenediol;

47 (13) 1-androstenedione;

48 (14) 3alpha, 17beta-dihydroxy-5alpha-androstane;

49 (15) 3beta, 17beta-dihydroxy-5alpha-androstane;

50 (16) 4-androstenediol;

1 (17) 4-androstenedione;
2 (18) 4-hydroxy-19-nortestosterone;
3 (19) 4-hydroxytestosterone;
4 (20) 5-androstenediol;
5 (21) 5-androstenedione;
6 (22) Androstenedione;
7 (23) Bolasterone;
8 (24) Boldenone;
9 (25) Boldione;
10 (26) Calusterone;
11 (27) Chlorotestosterone (4-chlorotestosterone);
12 ~~(28)~~ Chorionic gonadotropin;
13 ~~(29)~~ Clostebol;
14 ~~(30)~~ Dehydrochlormethyltestosterone;
15 (31) Delta1-dihydrotestosterone;
16 (32) Desoxymethyltestosterone;
17 ~~(33)~~ Dihydrotestosterone (4-dihydrotestosterone);
18 ~~(34)~~ Drostanolone;
19 ~~(35)~~ Ethylestrenol;
20 ~~(36)~~ Fluoxymesterone;
21 ~~(37)~~ Formebolone;
22 (38) Furazabol;
23 ~~(39)~~ Human growth hormones;
24 (40) Mestanolone;
25 ~~(41)~~ Mesterolone;
26 ~~(42)~~ Methandienone;
27 ~~(43)~~ Methandranone;
28 ~~(44)~~ Methandriol;
29 ~~(45)~~ Methandrostenolone;
30 ~~(46)~~ Methenolone;
31 (47) Methyldienolone;
32 ~~(48)~~ Methyltestosterone;
33 (49) Methyltrienolone;
34 ~~(50)~~ Mibolerone;
35 ~~(51)~~ Nandrolone;
36 (52) Norbolethone;
37 (53) Norclostebol;
38 ~~(54)~~ Norethandrolone;
39 (55) Normethandrolone;
40 ~~(56)~~ Oxandrolone;
41 ~~(57)~~ Oxymesterone;
42 ~~(58)~~ Oxymetholone;
43 ~~(59)~~ Stanolone;
44 ~~(60)~~ Stanozolol;
45 (61) Stenbolone;
46 ~~(62)~~ Testolactone;
47 ~~(63)~~ Testosterone;
48 ~~(64)~~ Testosterone cypionate;
49 ~~(65)~~ Testosterone enanthate;
50 ~~(66)~~ Testosterone propionate;

1 (67) Tetrahydrogestrinone;

2 ~~(3268)~~ Trenbolone.

3 Anabolic steroids that are expressly intended for administration
4 through implants to cattle or other nonhuman species, and that are approved
5 by the federal Food and Drug Administration for such use, shall not be
6 classified as controlled substances under this act and shall not be governed
7 by its provisions.

8 In addition to the penalties prescribed in article IV of the uniform
9 controlled substances act, any person shall be guilty of a felony who
10 prescribes, dispenses, supplies, sells, delivers, manufactures or
11 possesses with the intent to prescribe, dispense, supply, sell, deliver
12 or manufacture anabolic steroids or any other human growth hormone for
13 purposes of enhancing performance in an exercise, sport or game or hormonal
14 manipulation intended to increase muscle mass, strength or weight without a
15 medical necessity as determined by a physician.

16 (g) Hallucinogenic substances.

17 (1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft
18 gelatin capsule in the federal Food and Drug Administration approved
19 product -- 7369. (Some other names for dronabinol: (6aR-trans)
20 -6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo
21 [b,d]pyran-1-ol or (-)-delta-9-(trans)-tetrahydrocannabinol).

22 (h) Other substances. Unless specifically excepted, or unless listed
23 in another schedule, any material, compound, mixture, or preparation which
24 contains any quantity of the following substance, including its salts:

25 (1) Butorphanol.

26 (i) The board may except by rule any compound, mixture, or preparation
27 containing any stimulant or depressant substance listed in subsections
28 (b) and (c) of this section from the application of all or any part of
29 this act if the compound, mixture, or preparation contains one (1) or more
30 active medicinal ingredients not having a stimulant or depressant effect
31 on the central nervous system, and if the admixtures are included therein
32 in combinations, quantity, proportion, or concentration that vitiate the
33 potential for abuse of the substances which have a stimulant or depressant
34 effect on the central nervous system.

35 SECTION 4. That Section 37-2711, Idaho Code, be, and the same is hereby
36 amended to read as follows:

37 37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and
38 other substances, by whatever official name, common or usual name, chemical
39 name, or brand name designated, listed in this section.

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

45 (1) No more than 1 milligram of difenoxin and not less than 25
46 micrograms of atropine sulfate per dosage unit;

47 (2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-
48 3-methyl-2-propionoxybutane).

1 (c) Depressants. Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or preparation which
3 contains any quantity of the following substances, including its salts,
4 isomers, and salts of isomers whenever the existence of such salts, isomers,
5 and salts of isomers is possible within the specific chemical designation:

- 6 (1) Alprazolam;
- 7 (2) Barbital;
- 8 (3) Bromazepam;
- 9 (4) Camazepam;
- 10 (5) Chloral betaine;
- 11 (6) Chloral hydrate;
- 12 (7) Chlordiazepoxide;
- 13 (8) Clobazam;
- 14 (9) Clonazepam;
- 15 (10) Clorazepate;
- 16 (11) Clotiazepam;
- 17 (12) Cloxazolam;
- 18 (13) Delorazepam;
- 19 (14) Diazepam;
- 20 (15) Dichloralphenazone;
- 21 (16) Estazolam;
- 22 (~~167~~) Ethchlorvynol;
- 23 (~~178~~) Ethinamate;
- 24 (~~189~~) Ethyl loflazepate;
- 25 (~~1920~~) Fludiazepam;
- 26 (~~201~~) Flurazepam;
- 27 (~~212~~) Halazepam;
- 28 (~~223~~) Haloxazolam;
- 29 (~~234~~) Ketazolam;
- 30 (~~245~~) Loprazolam;
- 31 (~~256~~) Lorazepam;
- 32 (~~267~~) Lormetazepam;
- 33 (~~278~~) Mebutamate;
- 34 (~~289~~) Medazepam;
- 35 (~~2930~~) Meprobamate;
- 36 (~~301~~) Methohexital;
- 37 (~~312~~) Methylphenobarbital (mephobarbital);
- 38 (~~323~~) Midazolam;
- 39 (~~334~~) Nimetazepam;
- 40 (~~345~~) Nitrazepam;
- 41 (~~356~~) Nordiazepam;
- 42 (~~367~~) Oxazepam;
- 43 (~~378~~) Oxazolam;
- 44 (~~389~~) Paraldehyde;
- 45 (~~3940~~) Petrichloral;
- 46 (~~401~~) Phenobarbital;
- 47 (~~412~~) Pinazepam;
- 48 (~~423~~) Prazepam;
- 49 (~~434~~) Temazepam;
- 50 (~~445~~) Tetrazepam;

- 1 ~~(456)~~ Triazolam;
 2 ~~(467)~~ Quazepam;
 3 (48) Zaleplon;
 4 ~~(479)~~ Zolpidem;
 5 (50) Zopiclone.

6 (d) Fenfluramine -- Any material, compound, mixture, or preparation
 7 which contains any quantity of the following substances, including its
 8 salts, isomers (whether optical, position, or geometric), and salts of such
 9 isomers, whenever the existence of such salts, isomers, and salts of isomers
 10 is possible:

- 11 (1) Dexfenfluramine;
 12 (2) Fenfluramine.

13 (e) Stimulants. Unless specifically excepted or unless listed in
 14 another schedule, any material, compound, mixture, or preparation which
 15 contains any quantity of the following substances having a stimulant effect
 16 on the central nervous system, including its salts, isomers (whether
 17 optical, position, or geometric), and salts of such isomers whenever the
 18 existence of such salts, isomers, and salts of isomers is possible within the
 19 specific chemical designation:

- 20 (1) Cathine ((+)-norpseudoephedrine);
 21 (2) Diethylpropion;
 22 (3) Fencamfamin;
 23 (4) Fenproporex;
 24 (5) Mazindol;
 25 (6) Mefenorex;
 26 (7) Modafinil;
 27 (8) Pemoline (including organometallic complexes and chelates
 28 thereof);
 29 ~~(89)~~ Phentermine;
 30 ~~(910)~~ Pipradrol;
 31 ~~(101)~~ Sibutramine;
 32 ~~(112)~~ SPA ((-)-1-dimethylamino-1,2-diphenylethane).

33 (f) Other substances. Unless specifically excepted, or unless listed
 34 in another schedule, any material, compound, mixture or preparation which
 35 contains any quantity of the following substances, including its salts:

- 36 (1) Pentazocine;
 37 (2) Fospropofol.

38 (g) The board may except by rule any compound, mixture, or preparation
 39 containing any depressant substance listed in subsection (c) of this section
 40 from the application of all or any part of this act if the compound, mixture,
 41 or preparation contains one (1) or more active medicinal ingredients
 42 not having a depressant effect on the central nervous system, and if the
 43 admixtures are included therein in combinations, quantity, proportion, or
 44 concentration that vitiate the potential for abuse of the substances which
 45 have a depressant effect on the central nervous system.

46 SECTION 5. That Section 37-2713, Idaho Code, be, and the same is hereby
 47 amended to read as follows:

1 37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and
 2 other substances, by whatever official name, common or usual name, chemical
 3 name, or brand name designated, listed in this section.

4 (b) Narcotic drugs. Unless specifically excepted or unless listed
 5 in another schedule, any material, compound, mixture, or preparation
 6 containing any of the following narcotic drugs and their salts, as set forth
 7 below.

8 (c) Narcotic drugs containing nonnarcotic active medicinal
 9 ingredients. Any compound, mixture, or preparation containing any of the
 10 following limited quantities of narcotic drugs or salts thereof, which
 11 shall include one (1) or more nonnarcotic active medicinal ingredients in
 12 sufficient proportion to confer upon the compound, mixture, or preparation,
 13 valuable medicinal qualities other than those possessed by the narcotic drug
 14 alone:

15 (1) Not more than 200 milligrams of codeine per 100 milliliters or per
 16 100 grams;

17 (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters
 18 or per 100 grams;

19 (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters
 20 or per 100 grams;

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

23 (5) Not more than 100 milligrams of opium per 100 milliliters or per 100
 24 grams;

25 (6) Not more than 0.5 milligrams difenoxin and not less than 25
 26 micrograms of atropine sulfate per dosage unit.

27 (d) Other substances. Unless specifically excepted or unless listed
 28 in another schedule, any material, compound, mixture or preparation which
 29 contains any quantity of the following substances, including its salts:

30 (1) Lacosamide;

31 (2) Pregabalin;

32 (3) Propylhexedrine (except as Benzedrex ~~TM~~ TM inhaler);

33 (~~24~~) Pyrovalerone.

34 SECTION 6. That Section 37-2732C, Idaho Code, be, and the same is hereby
 35 amended to read as follows:

36 37-2732C. USING OR BEING UNDER THE INFLUENCE -- PENALTIES. (a) Except
 37 as authorized in this chapter, it is unlawful for any person on a public
 38 roadway, on a public conveyance, on public property or on private property
 39 open to the public, to use or be under the influence of any controlled
 40 substance specified in subsection (b), (c), (d), (e) and (f) of section
 41 37-2705, Idaho Code, or subsection (b), (c) and (d) of section 37-2707, Idaho
 42 Code, or subsection (c) (~~56~~) of section 37-2709, Idaho Code, or any narcotic
 43 drug classified in schedule III, IV or V, except when administered by or
 44 under the direction of a person licensed by the state to dispense, prescribe,
 45 or administer controlled substances. It shall be the burden of the defense
 46 to show that it comes within this exception.

47 (b) Any person convicted of violating the provisions of subsection (a)
 48 of this section is guilty of a misdemeanor and is punishable by imprisonment

1 in a county jail for not more than six (6) months, or by a fine not exceeding
2 one thousand dollars (\$1,000) or by both.

3 (c) Any person who is convicted of violating subsection (a) of this
4 section, when the offense occurred within five (5) years of that person
5 being convicted of two (2) or more separate violations of that subsection
6 and who refuses to complete a licensed drug rehabilitation program offered
7 by the court pursuant to subsection (d) shall be punished by imprisonment
8 in the county jail for a mandatory minimum period of time of not less than
9 one hundred twenty (120) days, nor more than one (1) year. The court may
10 not reduce the mandatory minimum period of incarceration provided in this
11 subsection.

12 (d) The court may, when it would be in the interest of justice, permit
13 any person convicted of a violation of subsection (a) of this section,
14 punishable under subsection (b) or (c) of this section, to complete
15 a licensed drug rehabilitation program in lieu of part or all of the
16 imprisonment in the county jail. As a condition of sentencing, the court
17 may require the offender to pay all or a portion of the drug rehabilitation
18 program. In order to alleviate jail overcrowding and to provide recidivist
19 offenders with a reasonable opportunity to seek rehabilitation pursuant to
20 this subsection, counties are encouraged to include provisions to augment
21 licensed drug rehabilitation programs in their substance abuse proposals
22 and applications submitted to the state for federal and state drug abuse
23 funds.

24 (e) Notwithstanding subsection (a), (b) or (c) of this section, or
25 any other provision of law to the contrary, any person who is unlawfully
26 under the influence of cocaine, cocaine base, methamphetamine, heroin,
27 or phencyclidine while in the immediate personal possession of a loaded,
28 operable firearm is guilty of a public offense and is punishable by
29 imprisonment in the county jail or the state prison for not more than one (1)
30 year. As used in this subsection, "immediate possession" includes, but is
31 not limited to, the interior passenger compartment of a motor vehicle.

32 (f) Every person who violates subsection (e) of this section is
33 punishable upon the second and each subsequent conviction by imprisonment in
34 the state prison for a period of time not in excess of four (4) years.

35 (g) In addition to any fine assessed under this section and
36 notwithstanding the provisions of section 19-4705, Idaho Code, the court
37 may, upon conviction, assess an additional cost to the defendant in the
38 way of restitution, an amount not to exceed two hundred dollars (\$200)
39 to the arresting and/or prosecuting agency or entity. These funds shall
40 be remitted to the appropriate fund to offset the expense of toxicology
41 testing.