

REFERENCE TITLE: drugs: definition

State of Arizona
House of Representatives
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HB 2356

Introduced by
Representatives Fann, Burges, Reeve; Barton, Crandell, Harper, Jones,
Judd, Pierce, Ugenti, Urie, Yee

AN ACT

AMENDING SECTIONS 13-3401 AND 36-2515, ARIZONA REVISED STATUTES; RELATING TO
DRUG OFFENSES.

(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.

46 (xiii) Lysergic acid diethylamide.

- 1 (xiv) Mescaline.
- 2 (xv) 4-methoxyamphetamine.
- 3 (xvi) Methoxymethylenedioxyamphetamine (MMDA).
- 4 (xvii) Methylenedioxyamphetamine (MDA).
- 5 (xviii) 3, 4-methylenedioxyamphetamine.
- 6 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 7 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 8 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 9 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 10 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 11 (xxiv) Nabilone.
- 12 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 13 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 14 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 15 (xxviii) Para-methoxyamphetamine (PMA).
- 16 (xxix) Psilocybin.
- 17 (xxx) Psilocyn.
- 18 (xxxi) Synhexyl.
- 19 (xxxii) Trifluoromethylphenylpiperazine (TFMPP).
- 20 (xxxiii) Trimethoxyamphetamine (TMA).
- 21 (xxxiv) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 22 (xxxv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 23 (xxxvi) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 24 (xxxvii) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- 25 (xxxviii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
- 26 and isomers).
- 27 (xxxix) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- 28 (xl) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
- 29 (JWH-015 and isomers).
- 30 (xli) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-
- 31 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
- 32 (xlii) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
- 33 (CP 47,497 and isomers).
- 34 (xliii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
- 35 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- 36 (b) Any material, compound, mixture or preparation which contains any
- 37 quantity of the following substances and their salts, optical isomers, and
- 38 salts of optical isomers having a potential for abuse associated with a
- 39 stimulant effect on the central nervous system:
- 40 (i) Amphetamine.
- 41 (ii) Benzphetamine.
- 42 (iii) Benzylpiperazine (BZP).
- 43 (iv) Butorphanol.
- 44 (v) BUTYLONE.
- 45 ~~(vi)~~ (vi) Cathine ((+)-norpseudoephedrine).
- 46 ~~(vii)~~ (vii) Cathinone.

- 1 ~~(vii)~~ (viii) Chlorphentermine.
- 2 ~~(viii)~~ (ix) Clortermine.
- 3 ~~(ix)~~ (x) Diethylpropion.
- 4 ~~(x)~~ (xi) Fencamfamin.
- 5 ~~(xi)~~ (xii) Fenethylline.
- 6 ~~(xii)~~ (xiii) Fenproporex.
- 7 (xiv) FLUOROMETHCATHINONE.
- 8 ~~(xiii)~~ (xv) Mazindol.
- 9 ~~(xiv)~~ (xvi) Mefenorex.
- 10 ~~(xv)~~ (xvii) Methamphetamine.
- 11 ~~(xvi)~~ (xviii) Methcathinone.
- 12 (xix) METHOXYMETHCATHINONE.
- 13 ~~(xvii)~~ (xx) 4-methylaminorex.
- 14 (xxii) METHYLENEDIOXYMETHCATHINONE.
- 15 (xxiii) METHYLENEDIOXYPYROVALERONE.
- 16 (xxiiii) METHYLMETHCATHINONE.
- 17 ~~(xxiii)~~ (xxiv) Methylphenidate.
- 18 ~~(xxiv)~~ (xxv) Modafinil.
- 19 (xxvi) NAPHTHYLPYROVALERONE.
- 20 ~~(xxv)~~ (xxvii) N-ethylamphetamine.
- 21 ~~(xxvi)~~ (xxviii) N, N-dimethylamphetamine.
- 22 ~~(xxvii)~~ (xxix) Pemoline.
- 23 ~~(xxviii)~~ (xxx) Phendimetrazine.
- 24 ~~(xxix)~~ (xxxi) Phenmetrazine.
- 25 ~~(xxx)~~ (xxxii) Phentermine.
- 26 ~~(xxxi)~~ (xxxiii) Pipradol.
- 27 ~~(xxxii)~~ (xxxiv) Propylhexedrine.
- 28 ~~(xxxiii)~~ (xxxv) Pyrovalerone.
- 29 ~~(xxxiv)~~ (xxxvi) Sibutramine.
- 30 ~~(xxxv)~~ (xxxvii) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 31 (c) Any material, compound, mixture or preparation which contains any
- 32 quantity of the following substances having a potential for abuse associated
- 33 with a depressant effect on the central nervous system:
- 34 (i) Any substance which contains any quantity of a derivative of
- 35 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 36 specifically excepted.
- 37 (ii) Alprazolam.
- 38 (iii) Bromazepam.
- 39 (iv) Camazepam.
- 40 (v) Carisoprodol.
- 41 (vi) Chloral betaine.
- 42 (vii) Chloral hydrate.
- 43 (viii) Chlordiazepoxide.
- 44 (ix) Chlorhexadol.
- 45 (x) Clobazam.
- 46 (xi) Clonazepam.

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

- 1 (lviii) Quazepam.
- 2 (lix) Temazepam.
- 3 (lx) Tetrazepam.
- 4 (lxi) Tiletamine.
- 5 (lxii) Triazolam.
- 6 (lxiii) Zaleplon.
- 7 (lxiv) Zolazepam.
- 8 (lxv) Zolpidem.
- 9 (d) Any material, compound, mixture or preparation which contains any
- 10 quantity of the following anabolic steroids and their salts, isomers or
- 11 esters:
- 12 (i) Boldenone.
- 13 (ii) Clostebol (4-chlorotestosterone).
- 14 (iii) Dehydrochloromethyltestosterone.
- 15 (iv) Drostanolone.
- 16 (v) Ethylestrenol.
- 17 (vi) Fluoxymesterone.
- 18 (vii) Formebolone (formebolone).
- 19 (viii) Mesterolone.
- 20 (ix) Methandriol.
- 21 (x) Methandrostenolone (methandienone).
- 22 (xi) Methenolone.
- 23 (xii) Methyltestosterone.
- 24 (xiii) Mibolerone.
- 25 (xiv) Nandrolone.
- 26 (xv) Norethandrolon.
- 27 (xvi) Oxandrolone.
- 28 (xvii) Oxymesterone.
- 29 (xviii) Oxymetholone.
- 30 (xix) Stanolone (4-dihydrotestosterone).
- 31 (xx) Stanozolol.
- 32 (xxi) Testolactone.
- 33 (xxii) Testosterone.
- 34 (xxiii) Trenbolone.
- 35 7. "Deliver" means the actual, constructive or attempted exchange from
- 36 one person to another, whether or not there is an agency relationship.
- 37 8. "Director" means the director of the department of health services.
- 38 9. "Dispense" means distribute, leave with, give away, dispose of or
- 39 deliver.
- 40 10. "Drug court program" means a program that is established pursuant
- 41 to section 13-3422 by the presiding judge of the superior court in
- 42 cooperation with the county attorney in a county for the purpose of
- 43 prosecuting, adjudicating and treating drug dependent persons who meet the
- 44 criteria and guidelines for entry into the program that are developed and
- 45 agreed on by the presiding judge and the prosecutor.

1 11. "Drug dependent person" means a person who is using a substance
2 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in
3 a state of psychological or physical dependence, or both, arising from the
4 use of that substance.

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

6 13. "Isoamidone" means any substance identified chemically as
7 (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt of such
8 substance, by whatever trade name designated.

9 14. "Isonipecaïne" means any substance identified chemically as
10 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
11 such substance, by whatever trade name designated.

12 15. "Ketobemidone" means any substance identified chemically as
13 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
14 salt of such substance, by whatever trade name designated.

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

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

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

28 19. "Marijuana" means all parts of any plant of the genus cannabis,
29 from which the resin has not been extracted, whether growing or not, and the
30 seeds of such plant. Marijuana does not include the mature stalks of such
31 plant or the sterilized seed of such plant which is incapable of germination.

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

- 35 (a) Acetyl-alpha-methylfentanyl.
- 36 (b) Acetylmethadol.
- 37 (c) Alfentanil.
- 38 (d) Allylprodine.
- 39 (e) Alphacetylmethadol.
- 40 (f) Alphameprodine.
- 41 (g) Alphamethadol.
- 42 (h) Alpha-methylfentanyl.
- 43 (i) Alpha-methylthiofentanyl.
- 44 (j) Alphaprodine.
- 45 (k) Amidone (methadone).
- 46 (l) Anileridine.

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

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

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

- 29 (a) Acetorphine.
- 30 (b) Acetyldihydrocodeine.
- 31 (c) Benzylmorphine.
- 32 (d) Codeine.
- 33 (e) Codeine methylbromide.
- 34 (f) Codeine-N-oxide.
- 35 (g) Cyrenorphine.
- 36 (h) Desomorphine.
- 37 (i) Dihydromorphine.
- 38 (j) Drotebanol.
- 39 (k) Ethylmorphine.
- 40 (l) Etorphine.
- 41 (m) Heroin.
- 42 (n) Hydrocodone.
- 43 (o) Hydromorphinol.
- 44 (p) Hydromorphone.
- 45 (q) Levo-alphaacetylmethadol.
- 46 (r) Methyl-desorphine.

- 1 (s) Methyldihydromorphine.
- 2 (t) Metopon.
- 3 (u) Morphine.
- 4 (v) Morphine methylbromide.
- 5 (w) Morphine methylsulfonate.
- 6 (x) Morphine-N-oxide.
- 7 (y) Myrophine.
- 8 (z) Nalorphine.
- 9 (aa) Nicocodeine.
- 10 (bb) Nicomorphine.
- 11 (cc) Normorphine.
- 12 (dd) Oxycodone.
- 13 (ee) Oxymorphone.
- 14 (ff) Pholcodine.
- 15 (gg) Thebacon.
- 16 (hh) Thebaine.

17 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
18 phenylpropanolamine product" means a product that contains ephedrine,
19 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
20 all of the following:

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

33 23. "Peyote" means any part of a plant of the genus *lophophora*, known
34 as the mescal button.

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

37 25. "Practitioner" means a person licensed to prescribe and administer
38 drugs.

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

- 42 (a) N-acetylanthranilic acid.
- 43 (b) Anthranilic acid.
- 44 (c) Ephedrine.
- 45 (d) Ergotamine.
- 46 (e) Isosafrole.

- 1 (f) Lysergic acid.
- 2 (g) Methylamine.
- 3 (h) N-ethylephedrine.
- 4 (i) N-ethylpseudoephedrine.
- 5 (j) N-methylephedrine.
- 6 (k) N-methylpseudoephedrine.
- 7 (l) Norephedrine.
- 8 (m) (-)-Norpseudoephedrine.
- 9 (n) Phenylacetic acid.
- 10 (o) Phenylpropanolamine.
- 11 (p) Piperidine.
- 12 (q) Pseudoephedrine.

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

- 16 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 17 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 18 (c) Chlorephedrine.
- 19 (d) Chlorpseudoephedrine.
- 20 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 21 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 22 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 23 (h) N-formyl amphetamine.
- 24 (i) N-formyl methamphetamine.
- 25 (j) Phenyl-2-propanone.
- 26 (k) 1-piperidinocyclohexane carbonitrile.
- 27 (l) 1-pyrrolidinocyclohexane carbonitrile.

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

30 (a) Any drug which because of its toxicity or other potentiality for
31 harmful effect, or the method of its use, or the collateral measures
32 necessary to its use, is not generally recognized among experts, qualified by
33 scientific training and experience to evaluate its safety and efficacy, as
34 safe for use except by or under the supervision of a medical practitioner.

35 (b) Any drug that is limited by an approved new drug application under
36 the federal act or section 32-1962 to use under the supervision of a medical
37 practitioner.

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

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

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

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

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

16 31. "Retailer" means either:

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

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

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

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

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

30 35. "Suspicious transaction" means a transaction to which any of the
31 following applies:

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

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

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

41 (d) The transaction involves a sale, a transfer or furnishing to a
42 retailer for resale without a prescription of ephedrine, pseudoephedrine,
43 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
44 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
45 product.

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

- 3 (a) One gram of heroin.
- 4 (b) Nine grams of cocaine.
- 5 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
6 cocaine.
- 7 (d) Four grams or 50 milliliters of PCP.
- 8 (e) Nine grams of methamphetamine, including methamphetamine in liquid
9 suspension.
- 10 (f) Nine grams of amphetamine, including amphetamine in liquid
11 suspension.
- 12 (g) One-half milliliter of lysergic acid diethylamide, or in the case
13 of blotter dosage units fifty dosage units.
- 14 (h) Two pounds of marijuana.
- 15 (i) For any combination consisting solely of those unlawful substances
16 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
17 or in excess of the threshold amount, as determined by the application of
18 section 13-3420.
- 19 (j) For any unlawful substance not listed in subdivisions (a) through
20 (h) of this paragraph or any combination involving any unlawful substance not
21 listed in subdivisions (a) through (h) of this paragraph, a value of at least
22 one thousand dollars.

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

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

- 26 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
27 isophorone and mesityl oxide.
- 28 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane
29 and halogenated hydrocarbons.
- 30 (c) Ethylene dichloride.
- 31 (d) Pentachlorophenol.
- 32 (e) Chloroform.
- 33 (f) Methylene chloride.
- 34 (g) Trichloroethylene.
- 35 (h) Difluoroethane.
- 36 (i) Tetrafluoroethane.
- 37 (j) Aldehydes, including formaldehyde.
- 38 (k) Acetates, including ethyl acetate and butyl acetate.
- 39 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
40 cumene.
- 41 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
42 alcohol, butyl alcohol and diacetone alcohol.
- 43 (n) Ether, including Diethyl ether and petroleum ether.
- 44 (o) Nitrous oxide.
- 45 (p) Amyl nitrite.
- 46 (q) Isobutyl nitrite.

1 39. "Weight" unless otherwise specified includes the entire weight of
2 any mixture or substance that contains a detectable amount of an unlawful
3 substance. If a mixture or substance contains more than one unlawful
4 substance, the weight of the entire mixture or substance is assigned to the
5 unlawful substance that results in the greater offense. If a mixture or
6 substance contains lysergic acid diethylamide, the offense that results from
7 the unlawful substance shall be based on the greater offense as determined by
8 the entire weight of the mixture or substance or the number of blotter dosage
9 units. For the purposes of this paragraph, "mixture" means any combination
10 of substances from which the unlawful substance cannot be removed without a
11 chemical process.

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

20 Sec. 2. Section 36-2515, Arizona Revised Statutes, is amended to read:

21 36-2515. Substances in schedule IV

22 A. The following controlled substances are, unless specifically
23 excepted, included in schedule IV:

24 1. Any material, compound, mixture or preparation that contains any
25 quantity of the following substances having a potential for abuse associated
26 with a stimulant effect on the central nervous system, including its salts,
27 isomers, whether optical, position or geometric, and salts of such isomers
28 whenever the existence of such salts, isomers and salts of isomers is
29 possible within the specific chemical designation:

- 30 (a) Cathine (+(4)-norpseudoephedrine).
- 31 (b) Diethylpropion.
- 32 (c) Fencamfamin.
- 33 (d) Fenproporex.
- 34 (e) Mazindol.
- 35 (f) Mefenorex.
- 36 (g) Pemoline (including organometallic complexes and chelates
37 thereof).
- 38 (h) Phentermine.
- 39 (i) Pipradrol.
- 40 (j) SPA((-)-1-dimethylamino-1, 2-diphenylethane).
- 41 (k) Butorphanol.
- 42 (l) Modafinil.
- 43 (m) Sibutramine.
- 44 (n) BUTYLONE.
- 45 (o) FLUROMETHCATHINONE.
- 46 (p) METHOXYMETHCATHINONE.

- 1 (q) METHYLENEDIOXYMETHCATHINONE.
2 (r) METHYLENEDIOXYPYROVALERONE.
3 (s) METHYLMETHCATHINONE.
4 (t) NAPHTHYLPYROVALERONE.
5 2. Any material, compound, mixture or preparation that contains any
6 quantity of the following substances having a potential for abuse associated
7 with a depressant effect on the central nervous system, including its salts,
8 isomers and salts of isomers whenever the existence of such salts, isomers
9 and salts of isomers is possible within the specific chemical designation:
10 (a) Alprazolam.
11 (b) Barbitol.
12 (c) Bromazepam.
13 (d) Camazepam.
14 (e) Chloral betaine.
15 (f) Chloral hydrate.
16 (g) Chlordiazepoxide.
17 (h) Clobazam.
18 (i) Clonazepam.
19 (j) Chlorazepate.
20 (k) Clotiazepam.
21 (l) Cloxazolam.
22 (m) Delorazepam.
23 (n) Diazepam.
24 (o) Dichloralphenazone.
25 (p) Estazolam.
26 (q) Ethchlorvynol.
27 (r) Ethinamate.
28 (s) Ethyl loflazepate.
29 (t) Fludiazepam.
30 (u) Flunitrazepam.
31 (v) Flurazepam.
32 (w) Halazepam.
33 (x) Haloxazolam.
34 (y) Ketazolam.
35 (z) Loprazolam.
36 (aa) Lorazepam.
37 (bb) Lormetazepam.
38 (cc) Mebutamate.
39 (dd) Medazepam.
40 (ee) Meprobamate.
41 (ff) Methohexital.
42 (gg) Methylphenobarbital (methobarbital).
43 (hh) Midazolam.
44 (ii) Nimetazepam.
45 (jj) Nitrazepam.
46 (kk) Nordiazepam.

- 1 (ll) Oxazepam.
- 2 (mm) Oxazolam.
- 3 (nn) Paraldehyde.
- 4 (oo) Petrichloral.
- 5 (pp) Phenobarbital.
- 6 (qq) Pinazepam.
- 7 (rr) Prazepam.
- 8 (ss) Quazepam.
- 9 (tt) Temazepam.
- 10 (uu) Tetrazepam.
- 11 (vv) Triazolam.
- 12 (ww) Zaleplon.
- 13 (xx) Zolpidem.

14 3. Fenfluramine.

15 4. Any material, compound, mixture or preparation containing any of
16 the following narcotic drugs, or their salts, calculated as the free
17 anhydrous base or alkaloid, in limited quantities of not more than one
18 milligram of difenoxin and not less than twenty-five micrograms of atropine
19 sulfate per dosage unit.

20 5. Any material, compound, mixture or preparation that contains any
21 quantity of the following substances, including its salts:

22 (a) Carisoprodol.

23 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-
24 3-methyl-2-propionoxybutane).

25 (c) Pentazocine.

26 B. The board may except by rule any compound, mixture or preparation
27 containing any substance listed in this section from the application of all
28 or any part of this chapter if the compound, mixture or preparation contains
29 one or more active medicinal ingredients and if the admixtures are included
30 therein IN THE COMPOUND, MIXTURE OR PREPARATION in combinations, quantity,
31 proportion or concentration that vitiates the potential for abuse.

32 Sec. 3. Emergency

33 This act is an emergency measure that is necessary to preserve the
34 public peace, health or safety and is operative immediately as provided by
35 law.

REFERENCE TITLE: retail businesses; controlled substance analysis.

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HB 2667

Introduced by
Representative Heinz

AN ACT

AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 35; RELATING TO RETAIL BUSINESS REGULATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding
3 chapter 35, to read:

4 CHAPTER 35
5 RETAIL BUSINESS REGULATION
6 ARTICLE 1. GENERAL PROVISIONS

7 44-7801. Prohibited sales; controlled substances analogues for
8 human consumption; false and frivolous complaints;
9 violation; classification; license suspension and
10 revocation; affidavits; definitions

11 A. A RETAILER SHALL NOT INTENTIONALLY OR KNOWINGLY SELL A CONTROLLED
12 SUBSTANCE ANALOGUE FOR HUMAN CONSUMPTION.

13 B. ON RECEIPT OF A COMPLAINT THAT A RETAILER INTENTIONALLY OR
14 KNOWINGLY SOLD A CONTROLLED SUBSTANCE ANALOGUE FOR HUMAN CONSUMPTION, A LAW
15 ENFORCEMENT AGENCY OR THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY SHALL
16 INVESTIGATE WHETHER THE RETAILER HAS VIOLATED SUBSECTION A OF THIS SECTION.
17 A PERSON WHO KNOWINGLY FILES A FALSE AND FRIVOLOUS COMPLAINT UNDER THIS
18 SUBSECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

19 C. IF AFTER AN INVESTIGATION THE LAW ENFORCEMENT AGENCY, ATTORNEY
20 GENERAL OR COUNTY ATTORNEY DETERMINES THAT THE COMPLAINT IS NOT FRIVOLOUS,
21 THE ATTORNEY GENERAL OR LAW ENFORCEMENT AGENCY SHALL NOTIFY THE APPROPRIATE
22 COUNTY ATTORNEY TO BRING AN ACTION PURSUANT TO SUBSECTION D OF THIS SECTION
23 IF THE COMPLAINT WAS ORIGINALLY FILED WITH THE ATTORNEY GENERAL OR A LAW
24 ENFORCEMENT AGENCY.

25 D. AN ACTION FOR A VIOLATION OF SUBSECTION A OF THIS SECTION SHALL BE
26 BROUGHT AGAINST THE RETAILER BY THE COUNTY ATTORNEY IN THE COUNTY WHERE THE
27 CONTROLLED SUBSTANCE ANALOGUE WAS SOLD FOR HUMAN CONSUMPTION. THE COUNTY
28 ATTORNEY SHALL NOT BRING AN ACTION AGAINST ANY RETAILER FOR ANY VIOLATION OF
29 SUBSECTION A OF THIS SECTION THAT OCCURS BEFORE JANUARY 1, 2013. A SECOND
30 VIOLATION OF THIS SECTION SHALL BE BASED ONLY ON THE SALE OF A CONTROLLED
31 SUBSTANCE ANALOGUE FOR HUMAN CONSUMPTION AFTER AN ACTION HAS BEEN BROUGHT FOR
32 A VIOLATION OF SUBSECTION A OF THIS SECTION.

33 E. FOR ANY ACTION IN SUPERIOR COURT UNDER THIS SECTION, THE COURT
34 SHALL EXPEDITE THE ACTION, INCLUDING ASSIGNING THE HEARING AT THE EARLIEST
35 PRACTICABLE DATE.

36 F. ON A FINDING OF A VIOLATION OF SUBSECTION A OF THIS SECTION:

37 1. FOR A FIRST VIOLATION DURING A THREE-YEAR PERIOD THAT IS A KNOWING
38 VIOLATION OF SUBSECTION A, THE COURT:

39 (a) SHALL ORDER THE RETAILER TO TERMINATE THE SALE OF ALL CONTROLLED
40 SUBSTANCE ANALOGUES FOR HUMAN CONSUMPTION.

41 (b) SHALL ORDER THE RETAILER TO BE SUBJECT TO A THREE-YEAR
42 PROBATIONARY PERIOD.

43 (c) SHALL ORDER THE RETAILER TO FILE A SIGNED SWORN AFFIDAVIT WITH THE
44 COUNTY ATTORNEY WITHIN THREE BUSINESS DAYS AFTER THE ORDER IS ISSUED. THE
45 AFFIDAVIT SHALL STATE THAT THE RETAILER HAS TERMINATED THE PRACTICE OF

1 SELLING CONTROLLED SUBSTANCE ANALOGUES FOR HUMAN CONSUMPTION AND THAT THE
2 RETAILER WILL NOT INTENTIONALLY OR KNOWINGLY SELL CONTROLLED SUBSTANCE
3 ANALOGUES FOR HUMAN CONSUMPTION. THE COURT SHALL ORDER THE APPROPRIATE
4 AGENCIES TO SUSPEND ALL LICENSES SUBJECT TO THIS SUBDIVISION THAT ARE HELD BY
5 THE RETAILER IF THE RETAILER FAILS TO FILE A SIGNED SWORN AFFIDAVIT WITH THE
6 COUNTY ATTORNEY WITHIN THREE BUSINESS DAYS AFTER THE ORDER IS ISSUED. ALL
7 LICENSES THAT ARE SUSPENDED UNDER THIS SUBDIVISION SHALL REMAIN SUSPENDED
8 UNTIL THE RETAILER FILES A SIGNED SWORN AFFIDAVIT WITH THE COUNTY ATTORNEY.
9 NOTWITHSTANDING ANY OTHER LAW, ON FILING OF THE AFFIDAVIT THE SUSPENDED
10 LICENSES SHALL BE REINSTATED IMMEDIATELY BY THE APPROPRIATE AGENCIES. FOR
11 THE PURPOSES OF THIS SUBDIVISION, THE LICENSES THAT ARE SUBJECT TO SUSPENSION
12 UNDER THIS SUBDIVISION ARE ALL LICENSES THAT ARE HELD BY THE RETAILER AND
13 THAT ARE NECESSARY TO OPERATE THE RETAILER'S BUSINESS AT THE RETAILER'S
14 BUSINESS LOCATION WHERE THE CONTROLLED SUBSTANCE ANALOGUE WAS SOLD FOR HUMAN
15 CONSUMPTION. IF A LICENSE IS NOT NECESSARY TO OPERATE THE RETAILER'S
16 BUSINESS AT THE SPECIFIC LOCATION WHERE THE CONTROLLED SUBSTANCE ANALOGUE WAS
17 SOLD FOR HUMAN CONSUMPTION, BUT A LICENSE IS NECESSARY TO OPERATE THE
18 RETAILER'S BUSINESS IN GENERAL, THE LICENSES THAT ARE SUBJECT TO SUSPENSION
19 UNDER THIS SUBDIVISION ARE ALL LICENSES THAT ARE HELD BY THE RETAILER AT THE
20 RETAILER'S PRIMARY PLACE OF BUSINESS. ON RECEIPT OF THE COURT'S ORDER AND
21 NOTWITHSTANDING ANY OTHER LAW, THE APPROPRIATE AGENCIES SHALL SUSPEND THE
22 LICENSES ACCORDING TO THE COURT'S ORDER. THE COURT SHALL SEND A COPY OF THE
23 COURT'S ORDER TO THE ATTORNEY GENERAL AND THE ATTORNEY GENERAL SHALL MAINTAIN
24 THE COPY PURSUANT TO SUBSECTION G OF THIS SECTION.

25 (d) MAY ORDER THE APPROPRIATE AGENCIES TO SUSPEND ALL LICENSES
26 DESCRIBED IN SUBDIVISION (c) OF THIS PARAGRAPH THAT ARE HELD BY THE RETAILER
27 FOR NOT TO EXCEED TEN BUSINESS DAYS. THE COURT SHALL BASE ITS DECISION TO
28 SUSPEND UNDER THIS SUBDIVISION ON ANY EVIDENCE OR INFORMATION SUBMITTED TO IT
29 DURING THE ACTION FOR A VIOLATION OF THIS SUBSECTION AND SHALL CONSIDER THE
30 FOLLOWING FACTORS, IF RELEVANT:

31 (i) THE QUANTITY OF CONTROLLED SUBSTANCE ANALOGUES SOLD BY THE
32 RETAILER FOR HUMAN CONSUMPTION.

33 (ii) ANY PRIOR MISCONDUCT BY THE RETAILER.

34 (iii) THE DEGREE OF HARM RESULTING FROM THE VIOLATION.

35 (iv) WHETHER THE RETAILER MADE GOOD FAITH EFFORTS TO COMPLY WITH ANY
36 APPLICABLE REQUIREMENTS.

37 (v) THE DURATION OF THE VIOLATION.

38 (vi) THE ROLE OF THE DIRECTORS, OFFICERS OR PRINCIPALS OF THE RETAILER
39 IN THE VIOLATION.

40 (vii) ANY OTHER FACTORS THE COURT DEEMS APPROPRIATE.

41 2. FOR A FIRST VIOLATION DURING A FIVE-YEAR PERIOD THAT IS AN
42 INTENTIONAL VIOLATION OF SUBSECTION A, THE COURT SHALL:

43 (a) ORDER THE RETAILER TO TERMINATE THE SALE OF ALL CONTROLLED
44 SUBSTANCE ANALOGUES FOR HUMAN CONSUMPTION.

1 (b) ORDER THE RETAILER TO BE SUBJECT TO A FIVE-YEAR PROBATIONARY
2 PERIOD.

3 (c) ORDER THE APPROPRIATE AGENCIES TO SUSPEND ALL LICENSES DESCRIBED
4 IN SUBDIVISION (d) OF THIS PARAGRAPH THAT ARE HELD BY THE RETAILER FOR A
5 MINIMUM OF TEN DAYS. THE COURT SHALL BASE ITS DECISION ON THE LENGTH OF THE
6 SUSPENSION UNDER THIS SUBDIVISION ON ANY EVIDENCE OR INFORMATION SUBMITTED TO
7 IT DURING THE ACTION FOR A VIOLATION OF THIS SUBSECTION AND SHALL CONSIDER
8 THE FOLLOWING FACTORS, IF RELEVANT:

9 (i) THE QUANTITY OF CONTROLLED SUBSTANCE ANALOGUES SOLD BY THE
10 RETAILER FOR HUMAN CONSUMPTION.

11 (ii) ANY PRIOR MISCONDUCT BY THE RETAILER.

12 (iii) THE DEGREE OF HARM RESULTING FROM THE VIOLATION.

13 (iv) WHETHER THE RETAILER MADE GOOD FAITH EFFORTS TO COMPLY WITH ANY
14 APPLICABLE REQUIREMENTS.

15 (v) THE DURATION OF THE VIOLATION.

16 (vi) THE ROLE OF THE DIRECTORS, OFFICERS OR PRINCIPALS OF THE RETAILER
17 IN THE VIOLATION.

18 (vii) ANY OTHER FACTORS THE COURT DEEMS APPROPRIATE.

19 (d) ORDER THE RETAILER TO FILE A SIGNED, SWORN AFFIDAVIT WITH THE
20 COUNTY ATTORNEY WITHIN THREE BUSINESS DAYS AFTER THE ORDER IS ISSUED. THE
21 AFFIDAVIT SHALL STATE THAT THE RETAILER HAS TERMINATED THE PRACTICE OF
22 SELLING CONTROLLED SUBSTANCE ANALOGUES FOR HUMAN CONSUMPTION AND THAT THE
23 RETAILER WILL NOT INTENTIONALLY OR KNOWINGLY SELL CONTROLLED SUBSTANCE
24 ANALOGUES FOR HUMAN CONSUMPTION. ALL LICENSES THAT ARE SUSPENDED UNDER THIS
25 SUBDIVISION SHALL REMAIN SUSPENDED UNTIL THE RETAILER FILES A SIGNED, SWORN
26 AFFIDAVIT WITH THE COUNTY ATTORNEY. FOR THE PURPOSES OF THIS SUBDIVISION,
27 THE LICENSES THAT ARE SUBJECT TO SUSPENSION UNDER THIS SUBDIVISION ARE ALL
28 LICENSES THAT ARE HELD BY THE RETAILER AND THAT ARE NECESSARY TO OPERATE THE
29 RETAILER'S BUSINESS AT THE RETAILER'S BUSINESS LOCATION WHERE THE CONTROLLED
30 SUBSTANCE ANALOGUE WAS SOLD FOR HUMAN CONSUMPTION. IF A LICENSE IS NOT
31 NECESSARY TO OPERATE THE RETAILER'S BUSINESS AT THE SPECIFIC LOCATION WHERE
32 THE CONTROLLED SUBSTANCE ANALOGUE WAS SOLD FOR HUMAN CONSUMPTION, BUT A
33 LICENSE IS NECESSARY TO OPERATE THE RETAILER'S BUSINESS IN GENERAL, THE
34 LICENSES THAT ARE SUBJECT TO SUSPENSION UNDER THIS SUBDIVISION ARE ALL
35 LICENSES THAT ARE HELD BY THE RETAILER AT THE RETAILER'S PRIMARY PLACE OF
36 BUSINESS. ON RECEIPT OF THE COURT'S ORDER AND NOTWITHSTANDING ANY OTHER LAW,
37 THE APPROPRIATE AGENCIES SHALL SUSPEND THE LICENSES ACCORDING TO THE COURT'S
38 ORDER. THE COURT SHALL SEND A COPY OF THE COURT'S ORDER TO THE ATTORNEY
39 GENERAL AND THE ATTORNEY GENERAL SHALL MAINTAIN THE COPY PURSUANT TO
40 SUBSECTION G OF THIS SECTION.

41 3. FOR A SECOND VIOLATION OF SUBSECTION A OF THIS SECTION DURING THE
42 PERIOD OF PROBATION, THE COURT SHALL ORDER THE APPROPRIATE AGENCIES TO
43 PERMANENTLY REVOKE ALL LICENSES THAT ARE HELD BY THE RETAILER AND THAT ARE
44 NECESSARY TO OPERATE THE RETAILER'S BUSINESS AT THE RETAILER'S BUSINESS
45 LOCATION WHERE THE CONTROLLED SUBSTANCE ANALOGUE WAS SOLD FOR HUMAN

1 CONSUMPTION. IF A LICENSE IS NOT NECESSARY TO OPERATE THE RETAILER'S
2 BUSINESS AT THE SPECIFIC LOCATION WHERE THE CONTROLLED SUBSTANCE ANALOGUE WAS
3 SOLD FOR HUMAN CONSUMPTION, BUT A LICENSE IS NECESSARY TO OPERATE THE
4 RETAILER'S BUSINESS IN GENERAL, THE COURT SHALL ORDER THE APPROPRIATE
5 AGENCIES TO PERMANENTLY REVOKE ALL LICENSES THAT ARE HELD BY THE RETAILER AT
6 THE RETAILER'S PRIMARY PLACE OF BUSINESS. ON RECEIPT OF THE ORDER AND
7 NOTWITHSTANDING ANY OTHER LAW, THE APPROPRIATE AGENCIES SHALL IMMEDIATELY
8 REVOKE THE LICENSES.

9 G. THE ATTORNEY GENERAL SHALL MAINTAIN COPIES OF COURT ORDERS THAT ARE
10 RECEIVED PURSUANT TO SUBSECTION F OF THIS SECTION AND SHALL MAINTAIN A
11 DATABASE OF THE RETAILERS WHO HAVE A FIRST VIOLATION OF SUBSECTION A OF THIS
12 SECTION AND MAKE THE COURT ORDERS AVAILABLE ON THE ATTORNEY GENERAL'S
13 WEBSITE.

14 H. FOR THE PURPOSES OF THIS SECTION:

15 1. "CONTROLLED SUBSTANCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
16 36-2501.

17 2. "CONTROLLED SUBSTANCE ANALOGUE":

18 (a) MEANS A SUBSTANCE THAT:

19 (i) HAS A CHEMICAL STRUCTURE THAT IS SUBSTANTIALLY SIMILAR TO THE
20 CHEMICAL STRUCTURE OF A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OR II
21 PURSUANT TO SECTION 36-2512 OR 36-2513.

22 (ii) HAS A STIMULANT, DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE
23 CENTRAL NERVOUS SYSTEM THAT IS SUBSTANTIALLY SIMILAR TO OR GREATER THAN THE
24 STIMULANT, DEPRESSANT OR HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM
25 OF A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE I OR II PURSUANT TO SECTION
26 36-2512 OR 36-2513.

27 (b) MEANS A SUBSTANCE THAT, WITH RESPECT TO A PARTICULAR PERSON, THE
28 PERSON REPRESENTS OR INTENDS TO HAVE A STIMULANT, DEPRESSANT OR
29 HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM THAT IS SUBSTANTIALLY
30 SIMILAR TO OR GREATER THAN THE STIMULANT, DEPRESSANT OR HALLUCINOGENIC EFFECT
31 ON THE CENTRAL NERVOUS SYSTEM OF A CONTROLLED SUBSTANCE INCLUDED IN SCHEDULE
32 I OR II PURSUANT TO SECTION 36-2512 OR 36-2513.

33 (c) DOES NOT INCLUDE:

34 (i) A CONTROLLED SUBSTANCE.

35 (ii) ANY SUBSTANCE FOR WHICH THERE IS AN APPROVED NEW DRUG
36 APPLICATION.

37 3. "RETAILER" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION,
38 ASSOCIATION OR OTHER LEGAL RELATIONSHIP THAT ENGAGES IN THE BUSINESS OF
39 SELLING NEW GOODS TO RETAIL BUYERS.

Senate Engrossed

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE BILL 1043

AN ACT

AMENDING SECTIONS 13-3401 AND 36-2515, ARIZONA REVISED STATUTES; RELATING TO
DRUG OFFENSES.

(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.
- 46 (xiii) Lysergic acid diethylamide.

- 1 (xiv) Mescaline.
- 2 (xv) 4-methoxyamphetamine.
- 3 (xvi) Methoxymethylenedioxyamphetamine (MDMA).
- 4 (xvii) Methylenedioxyamphetamine (MDA).
- 5 (xviii) 3, 4-methylenedioxymethamphetamine.
- 6 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 7 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 8 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 9 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 10 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 11 (xxiv) Nabilone.
- 12 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 13 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 14 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 15 (xxviii) Para-methoxyamphetamine (PMA).
- 16 (xxix) Psilocybin.
- 17 (xxx) Psilocyn.
- 18 (xxxi) Synhexyl.
- 19 (xxxii) Trifluoromethylphenylpiperazine (TFMPP).
- 20 (xxxiii) Trimethoxyamphetamine (TMA).
- 21 (xxxiv) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 22 (xxxv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 23 (xxxvi) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 24 (xxxvii) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- 25 (xxxviii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
- 26 and isomers).
- 27 (xxxix) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- 28 (xl) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
- 29 (JWH-015 and isomers).
- 30 (xli) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-
- 31 yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).
- 32 (xlii) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
- 33 (CP 47,497 and isomers).
- 34 (xliii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
- 35 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- 36 (b) Any material, compound, mixture or preparation which contains any
- 37 quantity of the following substances and their salts, optical isomers, and
- 38 salts of optical isomers having a potential for abuse associated with a
- 39 stimulant effect on the central nervous system:
- 40 (i) Amphetamine.
- 41 (ii) Benzphetamine.
- 42 (iii) Benzylpiperazine (BZP).
- 43 (iv) Butorphanol.
- 44 (v) BUTYLONE.
- 45 (vi) Cathine ((+)-norpseudoephedrine).
- 46 (vii) Cathinone.

- 1 (vii) (viii) Chlorphentermine.
- 2 ~~(viii)~~ (ix) Clortermine.
- 3 (ix) (x) Diethylpropion.
- 4 ~~(x)~~ (xi) Fencamfamin.
- 5 ~~(xi)~~ (xii) Fenethylline.
- 6 (xii) (xiii) Fenproporex.
- 7 (xiv) FLUOROMETHCATHINONE.
- 8 ~~(xiii)~~ (xv) Mazindol.
- 9 ~~(xiv)~~ (xvi) Mefenorex.
- 10 ~~(xv)~~ (xvii) Methamphetamine.
- 11 ~~(xvi)~~ (xviii) Methcathinone.
- 12 (xix) METHOXYMETHCATHINONE.
- 13 ~~(xviii)~~ (xx) 4-methylaminorex.
- 14 (xxi) METHYLENEDIOXYMETHCATHINONE.
- 15 (xxii) METHYLENEDIOXYPYROVALERONE.
- 16 (xxiii) METHYLMETHCATHINONE.
- 17 ~~(xxiii)~~ (xxiv) Methylphenidate.
- 18 ~~(xiv)~~ (xxv) Modafinil.
- 19 (xxvi) NAPHTHYLPYROVALERONE.
- 20 ~~(xx)~~ (xxvii) N-ethylamphetamine.
- 21 ~~(xxi)~~ (xxviii) N, N-dimethylamphetamine.
- 22 ~~(xxii)~~ (xxix) Pemoline.
- 23 ~~(xxiii)~~ (xxx) Phendimetrazine.
- 24 ~~(xxiv)~~ (xxxi) Phenmetrazine.
- 25 ~~(xxv)~~ (xxxii) Phentermine.
- 26 ~~(xxvi)~~ (xxxiii) Pipradol.
- 27 ~~(xxvii)~~ (xxxiv) Propylhexedrine.
- 28 ~~(xxviii)~~ (xxxv) Pyrovalerone.
- 29 ~~(xxix)~~ (xxxvi) Sibutramine.
- 30 ~~(xxx)~~ (xxxvii) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 31 (c) Any material, compound, mixture or preparation which contains any
- 32 quantity of the following substances having a potential for abuse associated
- 33 with a depressant effect on the central nervous system:
- 34 (i) Any substance which contains any quantity of a derivative of
- 35 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 36 specifically excepted.
- 37 (ii) Alprazolam.
- 38 (iii) Bromazepam.
- 39 (iv) Camazepam.
- 40 (v) Carisoprodol.
- 41 (vi) Chloral betaine.
- 42 (vii) Chloral hydrate.
- 43 (viii) Chlordiazepoxide.
- 44 (ix) Chlorhexadol.
- 45 (x) Clobazam.
- 46 (xi) Clonazepam.

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

- 1 (lviii) Quazepam.
- 2 (lix) Temazepam.
- 3 (lx) Tetrazepam.
- 4 (lxi) Tiletamine.
- 5 (lxii) Triazolam.
- 6 (lxiii) Zaleplon.
- 7 (lxiv) Zolazepam.
- 8 (lxv) Zolpidem.
- 9 (d) Any material, compound, mixture or preparation which contains any
- 10 quantity of the following anabolic steroids and their salts, isomers or
- 11 esters:
 - 12 (i) Boldenone.
 - 13 (ii) Clostebol (4-chlorotestosterone).
 - 14 (iii) Dehydrochloromethyltestosterone.
 - 15 (iv) Drostanolone.
 - 16 (v) Ethylestrenol.
 - 17 (vi) Fluoxymesterone.
 - 18 (vii) Formebolone (formeblone).
 - 19 (viii) Mesterolone.
 - 20 (ix) Methandriol.
 - 21 (x) Methandrostenolone (methandienone).
 - 22 (xi) Methenolone.
 - 23 (xii) Methyltestosterone.
 - 24 (xiii) Mibolerone.
 - 25 (xiv) Nandrolone.
 - 26 (xv) Norethandrolon.
 - 27 (xvi) Oxandrolone.
 - 28 (xvii) Oxymesterone.
 - 29 (xviii) Oxymetholone.
 - 30 (xix) Stanolone (4-dihydrotestosterone).
 - 31 (xx) Stanozolol.
 - 32 (xxi) Testolactone.
 - 33 (xxii) Testosterone.
 - 34 (xxiii) Trenbolone.
- 35 7. "Deliver" means the actual, constructive or attempted exchange from
- 36 one person to another, whether or not there is an agency relationship.
- 37 8. "Director" means the director of the department of health services.
- 38 9. "Dispense" means distribute, leave with, give away, dispose of or
- 39 deliver.
- 40 10. "Drug court program" means a program that is established pursuant
- 41 to section 13-3422 by the presiding judge of the superior court in
- 42 cooperation with the county attorney in a county for the purpose of
- 43 prosecuting, adjudicating and treating drug dependent persons who meet the
- 44 criteria and guidelines for entry into the program that are developed and
- 45 agreed on by the presiding judge and the prosecutor.

1 11. "Drug dependent person" means a person who is using a substance
2 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in
3 a state of psychological or physical dependence, or both, arising from the
4 use of that substance.

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

6 13. "Isoamidone" means any substance identified chemically as
7 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
8 substance, by whatever trade name designated.

9 14. "Isonipecaine" means any substance identified chemically as
10 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
11 such substance, by whatever trade name designated.

12 15. "Ketobemidone" means any substance identified chemically as
13 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
14 salt of such substance, by whatever trade name designated.

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

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

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

28 19. "Marijuana" means all parts of any plant of the genus cannabis,
29 from which the resin has not been extracted, whether growing or not, and the
30 seeds of such plant. Marijuana does not include the mature stalks of such
31 plant or the sterilized seed of such plant which is incapable of germination.

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

35 (a) Acetyl-alpha-methylfentanyl.

36 (b) Acetylmethadol.

37 (c) Alfentanil.

38 (d) Allylprodine.

39 (e) Alphacetylmethadol.

40 (f) Alphameprodine.

41 (g) Alphamethadol.

42 (h) Alpha-methylfentanyl.

43 (i) Alpha-methylthiofentanyl.

44 (j) Alphaprodine.

45 (k) Amidone (methadone).

46 (l) Anileridine.

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

- 1 (ggg) Normethadone.
- 2 (hhh) Norpipanone.
- 3 (iii) Opium.
- 4 (jjj) Para-fluorofentanyl.
- 5 (kkk) Pentazocine.
- 6 (lll) Phenadoxone.
- 7 (mmm) Phenampromide.
- 8 (nnn) Phenazocine.
- 9 (ooo) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 10 (ppp) Phenomorphan.
- 11 (qqq) Phenoperidine.
- 12 (rrr) Piminodine.
- 13 (sss) Piritramide.
- 14 (ttt) Proheptazine.
- 15 (uuu) Properidine.
- 16 (vvv) Propiram.
- 17 (www) Racemethorphan.
- 18 (xxx) Racemoramide.
- 19 (yyy) Racemorphan.
- 20 (zzz) Remifentanil.
- 21 (aaaa) Sufentanil.
- 22 (bbbb) Thenylfentanyl.
- 23 (cccc) Thiofentanyl.
- 24 (dddd) Tilidine.
- 25 (eeee) Trimeperidine.
- 26 21. "Opium" means any compound, manufacture, salt, isomer, salt of
- 27 isomer, derivative, mixture or preparation of the following, but does not
- 28 include apomorphine or any of its salts:
- 29 (a) Acetorphine.
- 30 (b) Acetyldihydrocodeine.
- 31 (c) Benzylmorphine.
- 32 (d) Codeine.
- 33 (e) Codeine methylbromide.
- 34 (f) Codeine-N-oxide.
- 35 (g) Cyprenorphine.
- 36 (h) Desomorphine.
- 37 (i) Dihydromorphine.
- 38 (j) Drotebanol.
- 39 (k) Ethylmorphine.
- 40 (l) Etorphine.
- 41 (m) Heroin.
- 42 (n) Hydrocodone.
- 43 (o) Hydromorphinol.
- 44 (p) Hydromorphone.
- 45 (q) Levo-alphaacetylmethadol.
- 46 (r) Methyl-desorphine.

- 1 (s) Methyldihydromorphine.
- 2 (t) Metopon.
- 3 (u) Morphine.
- 4 (v) Morphine methylbromide.
- 5 (w) Morphine methylsulfonate.
- 6 (x) Morphine-N-oxide.
- 7 (y) Myrophine.
- 8 (z) Nalorphine.
- 9 (aa) Nicocodeine.
- 10 (bb) Nicomorphine.
- 11 (cc) Normorphine.
- 12 (dd) Oxycodone.
- 13 (ee) Oxymorphone.
- 14 (ff) Pholcodine.
- 15 (gg) Thebacon.
- 16 (hh) Thebaine.

17 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
18 phenylpropanolamine product" means a product that contains ephedrine,
19 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
20 all of the following:

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

33 23. "Peyote" means any part of a plant of the genus lophophora, known
34 as the mescal button.

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

37 25. "Practitioner" means a person licensed to prescribe and administer
38 drugs.

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

- 42 (a) N-acetylanthranilic acid.
- 43 (b) Anthranilic acid.
- 44 (c) Ephedrine.
- 45 (d) Ergotamine.
- 46 (e) Isosafrole.

- 1 (f) Lysergic acid.
 - 2 (g) Methylamine.
 - 3 (h) N-ethylephedrine.
 - 4 (i) N-ethylpseudoephedrine.
 - 5 (j) N-methylephedrine.
 - 6 (k) N-methylpseudoephedrine.
 - 7 (l) Norephedrine.
 - 8 (m) (-)-Norpseudoephedrine.
 - 9 (n) Phenylacetic acid.
 - 10 (o) Phenylpropanolamine.
 - 11 (p) Piperidine.
 - 12 (q) Pseudoephedrine.
- 13 27. "Precursor chemical II" means any material, compound, mixture or
14 preparation which contains any quantity of the following substances and their
15 salts, optical isomers or salts of optical isomers:
- 16 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
 - 17 (b) 4-cyano-1-methyl-4-phenylpiperidine.
 - 18 (c) Chlorephedrine.
 - 19 (d) Chlorpseudoephedrine.
 - 20 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
 - 21 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
 - 22 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
 - 23 (h) N-formyl amphetamine.
 - 24 (i) N-formyl methamphetamine.
 - 25 (j) Phenyl-2-propanone.
 - 26 (k) 1-piperidinocyclohexane carbonitrile.
 - 27 (l) 1-pyrrolidinocyclohexane carbonitrile.
- 28 28. "Prescription-only drug" does not include a dangerous drug or
29 narcotic drug but means:
- 30 (a) Any drug which because of its toxicity or other potentiality for
31 harmful effect, or the method of its use, or the collateral measures
32 necessary to its use, is not generally recognized among experts, qualified by
33 scientific training and experience to evaluate its safety and efficacy, as
34 safe for use except by or under the supervision of a medical practitioner.
 - 35 (b) Any drug that is limited by an approved new drug application under
36 the federal act or section 32-1962 to use under the supervision of a medical
37 practitioner.
 - 38 (c) Every potentially harmful drug, the labeling of which does not
39 bear or contain full and adequate directions for use by the consumer.
 - 40 (d) Any drug required by the federal act to bear on its label the
41 legend "Caution: Federal law prohibits dispensing without prescription" or
42 "Rx only".
- 43 29. "Produce" means grow, plant, cultivate, harvest, dry, process or
44 prepare for sale.
- 45 30. "Regulated chemical" means the following substances in bulk form
46 that are not a useful part of an otherwise lawful product:

- 1 (a) Acetic anhydride.
- 2 (b) Hypophosphorous acid.
- 3 (c) Iodine.
- 4 (d) Sodium acetate.
- 5 (e) Red phosphorus.
- 6 (f) Gamma butyrolactone (GBL).
- 7 (g) 1, 4-butanediol.
- 8 (h) Butyrolactone.
- 9 (i) 1, 2 butanolide.
- 10 (j) 2-oxanalone.
- 11 (k) Tetrahydro-2-furanone.
- 12 (l) Dihydro-2(3H)-furanone.
- 13 (m) Tetramethylene glycol.
- 14 31. "Retailer" means either:
 - 15 (a) A person other than a practitioner who sells any precursor
 - 16 chemical or regulated chemical to another person for purposes of consumption
 - 17 and not resale, whether or not the person possesses a permit issued pursuant
 - 18 to title 32, chapter 18.
 - 19 (b) A person other than a manufacturer or wholesaler who purchases,
 - 20 receives or acquires more than twenty-four grams of a precursor chemical.
- 21 32. "Sale" or "sell" means an exchange for anything of value or
- 22 advantage, present or prospective.
- 23 33. "Sale for personal use" means the retail sale for a legitimate
- 24 medical use in a single transaction to an individual customer, to an employer
- 25 for dispensing to employees from first aid kits or medicine chests or to a
- 26 school for administration pursuant to section 15-344.
- 27 34. "Scientific purpose" means research, teaching or chemical analysis.
- 28 35. "Suspicious transaction" means a transaction to which any of the
- 29 following applies:
 - 30 (a) A report is required under the federal act.
 - 31 (b) The circumstances would lead a reasonable person to believe that
 - 32 any person is attempting to possess a precursor chemical or regulated
 - 33 chemical for the purpose of unlawful manufacture of a dangerous drug or
 - 34 narcotic drug, based on such factors as the amount involved, the method of
 - 35 payment, the method of delivery and any past dealings with any participant.
 - 36 (c) The transaction involves payment for precursor or regulated
 - 37 chemicals in cash or money orders in a total amount of more than two hundred
 - 38 dollars.
 - 39 (d) The transaction involves a sale, a transfer or furnishing to a
 - 40 retailer for resale without a prescription of ephedrine, pseudoephedrine,
 - 41 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
 - 42 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
 - 43 product.
- 44 36. "Threshold amount" means a weight, market value or other form of
- 45 measurement of an unlawful substance as follows:
 - 46 (a) One gram of heroin.

- 1 (b) Nine grams of cocaine.
2 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
3 cocaine.
4 (d) Four grams or 50 milliliters of PCP.
5 (e) Nine grams of methamphetamine, including methamphetamine in liquid
6 suspension.
7 (f) Nine grams of amphetamine, including amphetamine in liquid
8 suspension.
9 (g) One-half milliliter of lysergic acid diethylamide, or in the case
10 of blotter dosage units fifty dosage units.
11 (h) Two pounds of marijuana.
12 (i) For any combination consisting solely of those unlawful substances
13 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
14 or in excess of the threshold amount, as determined by the application of
15 section 13-3420.
16 (j) For any unlawful substance not listed in subdivisions (a) through
17 (h) of this paragraph or any combination involving any unlawful substance not
18 listed in subdivisions (a) through (h) of this paragraph, a value of at least
19 one thousand dollars.
20 37. "Transfer" means furnish, deliver or give away.
21 38. "Vapor-releasing substance containing a toxic substance" means a
22 material which releases vapors or fumes containing any of the following:
23 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
24 isophorone and mesityl oxide.
25 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane
26 and halogenated hydrocarbons.
27 (c) Ethylene dichloride.
28 (d) Pentachlorophenol.
29 (e) Chloroform.
30 (f) Methylene chloride.
31 (g) Trichloroethylene.
32 (h) Difluoroethane.
33 (i) Tetrafluoroethane.
34 (j) Aldehydes, including formaldehyde.
35 (k) Acetates, including ethyl acetate and butyl acetate.
36 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
37 cumene.
38 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
39 alcohol, butyl alcohol and diacetone alcohol.
40 (n) Ether, including Diethyl ether and petroleum ether.
41 (o) Nitrous oxide.
42 (p) Amyl nitrite.
43 (q) Isobutyl nitrite.
44 39. "Weight" unless otherwise specified includes the entire weight of
45 any mixture or substance that contains a detectable amount of an unlawful
46 substance. If a mixture or substance contains more than one unlawful

1 substance, the weight of the entire mixture or substance is assigned to the
2 unlawful substance that results in the greater offense. If a mixture or
3 substance contains lysergic acid diethylamide, the offense that results from
4 the unlawful substance shall be based on the greater offense as determined by
5 the entire weight of the mixture or substance or the number of blotter dosage
6 units. For the purposes of this paragraph, "mixture" means any combination
7 of substances from which the unlawful substance cannot be removed without a
8 chemical process.

9 40. "Wholesaler" means a person who in the usual course of business
10 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or
11 regulated chemicals that he himself has not produced or prepared, but not to
12 a person for the purpose of consumption by the person, whether or not the
13 wholesaler has a permit that is issued pursuant to title 32, chapter 18.
14 Wholesaler includes a person who sells, delivers or dispenses a precursor
15 chemical in an amount or under circumstances that would require registration
16 as a distributor of precursor chemicals under the federal act.

17 Sec. 2. Section 36-2515, Arizona Revised Statutes, is amended to read:

18 36-2515. Substances in schedule IV

19 A. The following controlled substances are, unless specifically
20 excepted, included in schedule IV:

21 1. Any material, compound, mixture or preparation that contains any
22 quantity of the following substances having a potential for abuse associated
23 with a stimulant effect on the central nervous system, including its salts,
24 isomers, whether optical, position or geometric, and salts of such isomers
25 whenever the existence of such salts, isomers and salts of isomers is
26 possible within the specific chemical designation:

- 27 (a) Cathine (+(4)-norpseudoephedrine).
- 28 (b) Diethylpropion.
- 29 (c) Fencamfamin.
- 30 (d) Fenproporex.
- 31 (e) Mazindol.
- 32 (f) Mefenorex.
- 33 (g) Pemoline (including organometallic complexes and chelates
34 thereof).
- 35 (h) Phentermine.
- 36 (i) Pipradrol.
- 37 (j) SPA((-)-1-dimethylamino-1, 2-diphenylethane).
- 38 (k) Butorphanol.
- 39 (l) Modafinil.
- 40 (m) Sibutramine.
- 41 (n) BUTYLONE.
- 42 (o) FLUOROMETHCATHINONE.
- 43 (p) METHOXYMETHCATHINONE.
- 44 (q) METHYLENEDIOXYMETHCATHINONE.
- 45 (r) METHYLENEDIOXYPYROVALERONE.
- 46 (s) METHYLMETHCATHINONE.

- 1 (t) NAPHTHYLPYROVALERONE.
2 2. Any material, compound, mixture or preparation that contains any
3 quantity of the following substances having a potential for abuse associated
4 with a depressant effect on the central nervous system, including its salts,
5 isomers and salts of isomers whenever the existence of such salts, isomers
6 and salts of isomers is possible within the specific chemical designation:
7 (a) Alprazolam.
8 (b) Barbitol.
9 (c) Bromazepam.
10 (d) Camazepam.
11 (e) Chloral betaine.
12 (f) Chloral hydrate.
13 (g) Chlordiazepoxide.
14 (h) Clobazam.
15 (i) Clonazepam.
16 (j) Chlorazepate.
17 (k) Clotiazepam.
18 (l) Cloxazolam.
19 (m) Delorazepam.
20 (n) Diazepam.
21 (o) Dichloralphenazone.
22 (p) Estazolam.
23 (q) Ethchlorvynol.
24 (r) Ethinamate.
25 (s) Ethyl loflazepate.
26 (t) Fludiazepam.
27 (u) Flunitrazepam.
28 (v) Flurazepam.
29 (w) Halazepam.
30 (x) Haloxazolam.
31 (y) Ketazolam.
32 (z) Loprazolam.
33 (aa) Lorazepam.
34 (bb) Lormetazepam.
35 (cc) Mebutamate.
36 (dd) Medazepam.
37 (ee) Meprobamate.
38 (ff) Methohexital.
39 (gg) Methylphenobarbital (methobarbital).
40 (hh) Midazolam.
41 (ii) Nimetazepam.
42 (jj) Nitrazepam.
43 (kk) Nordiazepam.
44 (ll) Oxazepam.
45 (mm) Oxazolam.
46 (nn) Paraldehyde.

- 1 (oo) Petrichloral.
- 2 (pp) Phenobarbital.
- 3 (qq) Pinazepam.
- 4 (rr) Prazepam.
- 5 (ss) Quazepam.
- 6 (tt) Temazepam.
- 7 (uu) Tetrazepam.
- 8 (vv) Triazolam.
- 9 (ww) Zaleplon.
- 10 (xx) Zolpidem.
- 11 3. Fenfluramine.
- 12 4. Any material, compound, mixture or preparation containing any of
- 13 the following narcotic drugs, or their salts, calculated as the free
- 14 anhydrous base or alkaloid, in limited quantities of not more than one
- 15 milligram of difenoxin and not less than twenty-five micrograms of atropine
- 16 sulfate per dosage unit.
- 17 5. Any material, compound, mixture or preparation that contains any
- 18 quantity of the following substances, including its salts:
- 19 (a) Carisoprodol.
- 20 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-
- 21 3-methyl-2-propionoxybutane).
- 22 (c) Pentazocine.
- 23 B. The board may except by rule any compound, mixture or preparation
- 24 containing any substance listed in this section from the application of all
- 25 or any part of this chapter if the compound, mixture or preparation contains
- 26 one or more active medicinal ingredients and if the admixtures are included
- 27 therein in combinations, quantity, proportion or concentration that vitiates
- 28 the potential for abuse.
- 29 Sec. 3. Emergency
- 30 This act is an emergency measure that is necessary to preserve the
- 31 public peace, health or safety and is operative immediately as provided by
- 32 law.

REFERENCE TITLE: pharmacy board; drug scheduling; etc.

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SB 1073

Introduced by
Senator Gray; Representatives Burges, Weiers J: McLain, Pancrazi

AN ACT

AMENDING TITLE 32, CHAPTER 18, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-1977; RELATING TO THE STATE BOARD OF PHARMACY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 32, chapter 18, article 3, Arizona Revised Statutes,
3 is amended by adding section 32-1977, to read:

4 32-1977. Authority to add controlled substances to drug
5 schedules; annual report; definition

6 A. THE BOARD BY RULE MAY ADD A CONTROLLED SUBSTANCE TO THE SCHEDULES
7 OF CONTROLLED SUBSTANCES PRESCRIBED PURSUANT TO TITLE 36, CHAPTER 27,
8 ARTICLE 2.

9 B. BEFORE IT ADOPTS A RULE TO ADD A CONTROLLED SUBSTANCE, THE BOARD
10 MUST:

11 1. CONSIDER THE FOLLOWING:

12 (a) THE SUBSTANCE'S ACTUAL OR RELATIVE POTENTIAL FOR ABUSE.

13 (b) SCIENTIFIC EVIDENCE OF THE SUBSTANCE'S PHARMACOLOGICAL EFFECT, IF
14 KNOWN.

15 (c) THE STATE OF CURRENT SCIENTIFIC KNOWLEDGE REGARDING THE SUBSTANCE.

16 (d) THE HISTORY AND CURRENT PATTERN OF ABUSE OF THE SUBSTANCE.

17 (e) THE SCOPE, DURATION AND SIGNIFICANCE OF ABUSE OF THE SUBSTANCE.

18 (f) THE RISK TO THE PUBLIC HEALTH.

19 (g) THE POTENTIAL OF THE SUBSTANCE TO PRODUCE PSYCHIC OR PHYSIOLOGICAL
20 DEPENDENCE LIABILITY.

21 2. MAKE A FORMAL FINDING THAT THE CONTROLLED SUBSTANCE HAS A POTENTIAL
22 FOR ABUSE.

23 3. SUBMIT THE FORMAL FINDING TO THE DEPARTMENT OF PUBLIC SAFETY AND
24 CONSULT WITH THE DEPARTMENT REGARDING THE BOARD'S FINDINGS AND PROPOSED RULE.

25 C. THE BOARD MAY NOT ADOPT RULES PURSUANT TO THIS SECTION RELATING TO
26 THE CONTROL OF DISTILLED SPIRITS, WINE, MALT BEVERAGES OR TOBACCO.

27 D. ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE BOARD SHALL SUBMIT A
28 WRITTEN REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
29 THE PRESIDENT OF THE SENATE AND THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
30 SAFETY REGARDING CONTROLLED SUBSTANCES ADDED BY RULE PURSUANT TO THIS SECTION
31 DURING THE PREVIOUS CALENDAR YEAR.

32 E. FOR THE PURPOSES OF THIS SECTION, "CONTROLLED SUBSTANCE" HAS THE
33 SAME MEANING PRESCRIBED IN SECTION 36-2501.

34 Sec. 2. Exemption from rule making

35 The state board of pharmacy is exempt from the rule making requirements
36 of title 41, chapter 6, Arizona Revised Statutes, for the purpose of adding
37 controlled substances to the drug schedules as prescribed by section 32-1977,
38 Arizona Revised Statutes, as added by this act.