

REFERENCE TITLE: drug offenses; definitions

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

# SB 1071

Introduced by  
Senator Paton

AN ACT

AMENDING SECTIONS 13-3401, 15-712 AND 36-2513, 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 and salts of isomers, unless specifically excepted, whenever the existence of  
32 such salts, isomers and salts of isomers is possible within the specific  
33 chemical designation:

34 (i) Alpha-ethyltryptamine.

35 (ii) Aminorex.

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

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

38 (v) Bufotenine.

39 (vi) Diethyltryptamine.

40 (vii) 2, 5-dimethoxyamphetamine.

41 (viii) Dimethyltryptamine.

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

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

44 (xi) Ibogaine.

45 (xii) Lysergic acid amide.

- 1 (xiii) Lysergic acid diethylamide.
- 2 (xiv) Mescaline.
- 3 (xv) 4-methoxyamphetamine.
- 4 (xvi) Methoxymethylenedioxyamphetamine (MMDA).
- 5 (xvii) Methylenedioxyamphetamine (MDA).
- 6 (xviii) 3, 4-methylenedioxymethamphetamine.
- 7 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 8 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 9 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 10 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 11 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 12 (xxiv) Nabilone.
- 13 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 14 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 15 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 16 (xxviii) Para-methoxyamphetamine (PMA).
- 17 (xxix) Psilocybin.
- 18 (xxx) Psilocyn.
- 19 (xxxi) Synhexyl.
- 20 (xxxii) Trimethoxyamphetamine (TMA).

21 (b) Any material, compound, mixture or preparation which contains any  
22 quantity of the following substances and their salts, optical isomers, and  
23 salts of optical isomers having a potential for abuse associated with a  
24 stimulant effect on the central nervous system:

- 25 (i) Amphetamine.
- 26 (ii) Benzphetamine.
- 27 (iii) Butorphanol.
- 28 (iv) Cathine ((+)-norpseudoephedrine).
- 29 (v) Chlorphentermine.
- 30 (vi) Clortermine.
- 31 (vii) Diethylpropion.
- 32 (viii) Fencamfamin.
- 33 (ix) Fenethylline.
- 34 (x) Fenproporex.
- 35 (xi) LISDEXAMFETAMINE.
- 36 ~~(xii)~~ (xii) Mazindol.
- 37 ~~(xiii)~~ (xiii) Mefenorex.
- 38 ~~(xiv)~~ (xiv) Methamphetamine.
- 39 ~~(xv)~~ (xv) Methcathinone.
- 40 ~~(xvi)~~ (xvi) 4-methylaminorex.
- 41 ~~(xvii)~~ (xvii) Methylphenidate.
- 42 ~~(xviii)~~ (xviii) Modafinil.
- 43 ~~(xix)~~ (xix) N-ethylamphetamine.
- 44 ~~(xx)~~ (xx) N, N-dimethylamphetamine.
- 45 ~~(xxi)~~ (xxi) Pemoline.

- 1           ~~(xxi)~~ (xxii) Phendimetrazine.
- 2           ~~(xxii)~~ (xxiii) Phenmetrazine.
- 3           ~~(xxiii)~~ (xxiv) Phentermine.
- 4           ~~(xxiv)~~ (xxv) Pipradol.
- 5           ~~(xxv)~~ (xxvi) Propylhexedrine.
- 6           ~~(xxvi)~~ (xxvii) Pyrovalerone.
- 7           ~~(xxvii)~~ (xxviii) Sibutramine.
- 8           ~~(xxviii)~~ (xxix) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 9           (c) Any material, compound, mixture or preparation which contains any
- 10 quantity of the following substances having a potential for abuse associated
- 11 with a depressant effect on the central nervous system:
- 12           (i) Any substance which contains any quantity of a derivative of
- 13 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 14 specifically excepted.
- 15           (ii) Alprazolam.
- 16           (iii) Bromazepam.
- 17           (iv) Camazepam.
- 18           (v) Carisoprodol.
- 19           (vi) Chloral betaine.
- 20           (vii) Chloral hydrate.
- 21           (viii) Chlordiazepoxide.
- 22           (ix) Chlorhexadol.
- 23           (x) Clobazam.
- 24           (xi) Clonazepam.
- 25           (xii) Clorazepate.
- 26           (xiii) Clotiazepam.
- 27           (xiv) Cloxazolam.
- 28           (xv) Delorazepam.
- 29           (xvi) Diazepam.
- 30           (xvii) Dichloralphenazone.
- 31           (xviii) Estazolam.
- 32           (xix) Ethchlorvynol.
- 33           (xx) Ethinamate.
- 34           (xxi) Ethyl loflazepate.
- 35           (xxii) Fenfluramine.
- 36           (xxiii) Fludiazepam.
- 37           (xxiv) Flunitrazepam.
- 38           (xxv) Flurazepam.
- 39           (xxvi) Gamma hydroxy butyrate.
- 40           (xxvii) Glutethimide.
- 41           (xxviii) Halazepam.
- 42           (xxix) Haloxazolam.
- 43           (xxx) Ketamine.
- 44           (xxxi) Ketazolam.
- 45           (xxxii) Loprazolam.

- 1 (xxxiii) Lorazepam.
- 2 (xxxiv) Lormetazepam.
- 3 (xxxv) Lysergic acid.
- 4 (xxxvi) Mebutamate.
- 5 (xxxvii) Mecloqualone.
- 6 (xxxviii) Medazepam.
- 7 (xxxix) Meprobamate.
- 8 (xl) Methaqualone.
- 9 (xli) Methohexital.
- 10 (xlii) Methypylon.
- 11 (xliii) Midazolam.
- 12 (xliv) Nimetazepam.
- 13 (xlv) Nitrazepam.
- 14 (xlvi) Nordiazepam.
- 15 (xlvii) Oxazepam.
- 16 (xlviii) Oxazolam.
- 17 (xlix) Paraldehyde.
- 18 (l) Petrichloral.
- 19 (li) Phencyclidine.
- 20 (lii) Pinazepam.
- 21 (liii) Prazepam.
- 22 (liv) Scopolamine.
- 23 (lv) Sulfondiethylmethane.
- 24 (lvi) Sulfonethylmethane.
- 25 (lvii) Sulfonmethane.
- 26 (lviii) Quazepam.
- 27 (lix) Temazepam.
- 28 (lx) Tetrazepam.
- 29 (lxi) Tiletamine.
- 30 (lxii) Triazolam.
- 31 (lxiii) Zaleplon.
- 32 (lxiv) Zolazepam.
- 33 (lxv) Zolpidem.

34 (d) Any material, compound, mixture or preparation which contains any  
35 quantity of the following anabolic steroids and their salts, isomers or  
36 esters:

- 37 (i) Boldenone.
- 38 (ii) Clostebol (4-chlorotestosterone).
- 39 (iii) Dehydrochloromethyltestosterone.
- 40 (iv) Drostanolone.
- 41 (v) Ethylestrenol.
- 42 (vi) Fluoxymesterone.
- 43 (vii) Formebolone (formebolone).
- 44 (viii) Mesterolone.
- 45 (ix) Methandriol.

- 1 (x) Methandrostenolone (methandienone).
- 2 (xi) Methenolone.
- 3 (xii) Methyltestosterone.
- 4 (xiii) Mibolerone.
- 5 (xiv) Nandrolone.
- 6 (xv) Norethandrolon.
- 7 (xvi) Oxandrolone.
- 8 (xvii) Oxymesterone.
- 9 (xviii) Oxymetholone.
- 10 (xix) Stanolone (4-dihydrotestosterone).
- 11 (xx) Stanozolol.
- 12 (xxi) Testolactone.
- 13 (xxii) Testosterone.
- 14 (xxiii) Trenbolone.

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

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

18 9. "Dispense" means distribute, leave with, give away, dispose of or  
19 deliver.

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

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

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

31 13. "Isoamidone" means any substance identified chemically as  
32 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such  
33 substance, by whatever trade name designated.

34 14. "Isonipecaine" means any substance identified chemically as  
35 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of  
36 such substance, by whatever trade name designated.

37 15. "Ketobemidone" means any substance identified chemically as  
38 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any  
39 salt of such substance, by whatever trade name designated.

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

42 17. "Manufacture" means produce, prepare, propagate, compound, mix or  
43 process, directly or indirectly, by extraction from substances of natural  
44 origin or independently by means of chemical synthesis, or by a combination  
45 of extraction and chemical synthesis. Manufacture includes any packaging or

1 repackaging or labeling or relabeling of containers. Manufacture does not  
2 include any producing, preparing, propagating, compounding, mixing,  
3 processing, packaging or labeling done in conformity with applicable state  
4 and local laws and rules by a licensed practitioner incident to and in the  
5 course of his licensed practice.

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

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

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

- 15 (a) Acetyl-alpha-methylfentanyl.
- 16 (b) Acetylmethadol.
- 17 (c) Alfentanil.
- 18 (d) Allylprodine.
- 19 (e) Alphacetylmethadol.
- 20 (f) Alphameprodine.
- 21 (g) Alphamethadol.
- 22 (h) Alpha-methylfentanyl.
- 23 (i) Alpha-methylthiofentanyl.
- 24 (j) Alphaprodine.
- 25 (k) Amidone (methadone).
- 26 (l) Anileridine.
- 27 (m) Benzethidine.
- 28 (n) Benzylfentanyl.
- 29 (o) Betacetylmethadol.
- 30 (p) Beta-hydroxyfentanyl.
- 31 (q) Beta-hydroxy-3-methylfentanyl.
- 32 (r) Betameprodine.
- 33 (s) Betamethadol.
- 34 (t) Betaprodine.
- 35 (u) Bezitramide.
- 36 (v) Buprenorphine and its salts.
- 37 (w) Cannabis.
- 38 (x) Carfentanil.
- 39 (y) Clonitazene.
- 40 (z) Coca leaves.
- 41 (aa) Dextromoramide.
- 42 (bb) Dextropropoxyphene.
- 43 (cc) Diampromide.
- 44 (dd) Diethylthiambutene.
- 45 (ee) Difenoxyin.

1	(ff)	Dihydrocodeine.
2	(gg)	Dimenoxadol.
3	(hh)	Dimepheptanol.
4	(ii)	Dimethylthiambutene.
5	(jj)	Dioxaphetyl butyrate.
6	(kk)	Diphenoxylate.
7	(ll)	Dipipanone.
8	(mm)	Ethylmethylthiambutene.
9	(nn)	Etonitazene.
10	(oo)	Etoxeridine.
11	(pp)	Fentanyl.
12	(qq)	Furethidine.
13	(rr)	Hydroxypethidine.
14	(ss)	Isoamidone (isomethadone).
15	<del>(tt)</del>	<del>Pethidine (meperidine).</del>
16	<del>(uu)</del>	(tt) Ketobemidone.
17	(uu)	LEVO-ALPHACETYLMETHADOL.
18	(vv)	Levomethorphan.
19	(ww)	Levomoramide.
20	(xx)	Levophenacymorphan.
21	(yy)	Levorphanol.
22	(zz)	Metazocine.
23	(aaa)	3-methylfentanyl.
24	(bbb)	1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
25	(ccc)	3-methylthiofentanyl.
26	(ddd)	Morpheridine.
27	(eee)	Noracymethadol.
28	(fff)	Norlevorphanol.
29	(ggg)	Normethadone.
30	(hhh)	Norpipanone.
31	(iii)	Opium.
32	(jjj)	ORIPAVINE.
33	<del>(jjj)</del>	(kkk) Para-fluorofentanyl.
34	<del>(kkk)</del>	(lll) Pentazocine.
35	(mmm)	PETHIDINE (MEPERIDINE).
36	<del>(lll)</del>	(nnn) Phenadoxone.
37	<del>(mmm)</del>	(ooo) Phenampromide.
38	<del>(nnn)</del>	(ppp) Phenazocine.
39	<del>(ooo)</del>	(qqq) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
40	<del>(ppp)</del>	(rrr) Phenomorphan.
41	<del>(qqq)</del>	(sss) Phenoperidine.
42	<del>(rrr)</del>	(ttt) Piminodine.
43	<del>(sss)</del>	(uuu) Piritramide.
44	<del>(ttt)</del>	(vvv) Proheptazine.
45	<del>(uuu)</del>	(www) Properidine.



- 1        ~~(vvv)~~ (xxx) Propiram.
- 2        ~~(www)~~ (yyy) Racemethorphan.
- 3        ~~(xxx)~~ (zzz) Racemoramide.
- 4        ~~(yyy)~~ (aaaa) Racemorphan.
- 5        ~~(zzz)~~ (bbbb) Remifentanil.
- 6        ~~(aaaa)~~ (cccc) Sufentanil.
- 7        ~~(bbbb)~~ (dddd) Thenylfentanyl.
- 8        ~~(cccc)~~ (eeee) Thiofentanyl.
- 9        ~~(dddd)~~ (ffff) Tilidine.
- 10       ~~(eeee)~~ (gggg) Trimeperidine.

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

- 14       (a) Acetorphine.
- 15       (b) Acetyldihydrocodeine.
- 16       (c) Benzylmorphine.
- 17       (d) Codeine.
- 18       (e) Codeine methylbromide.
- 19       (f) Codeine-N-oxide.
- 20       (g) Cyprenorphine.
- 21       (h) Desomorphine.
- 22       (i) Dihydromorphine.
- 23       (j) Drotebanol.
- 24       (k) Ethylmorphine.
- 25       (l) Etorphine.
- 26       (m) Heroin.
- 27       (n) Hydrocodone.
- 28       (o) Hydromorphanol.
- 29       (p) Hydromorphone.
- 30       ~~(q) Levo-alphaacetylmetadol.~~
- 31       ~~(r)~~ (q) Methyl-desorphine.
- 32       ~~(s)~~ (r) Methyl-dihydromorphine.
- 33       ~~(t)~~ (s) Metopon.
- 34       ~~(u)~~ (t) Morphine.
- 35       ~~(v)~~ (u) Morphine methylbromide.
- 36       ~~(w)~~ (v) Morphine methylsulfonate.
- 37       ~~(x)~~ (w) Morphine-N-oxide.
- 38       ~~(y)~~ (x) Myrophine.
- 39       ~~(z)~~ (y) Nalorphine.
- 40       ~~(aa)~~ (z) Nicocodeine.
- 41       ~~(bb)~~ (aa) Nicomorphine.
- 42       ~~(ee)~~ (bb) Normorphine.
- 43       ~~(dd)~~ (cc) Oxycodone.
- 44       ~~(ee)~~ (dd) Oxymorphone.
- 45       ~~(ff)~~ (ee) Pholcodine.

1           ~~(gg)~~ (ff) Thebacon.

2           ~~(hh)~~ (gg) Thebaine.

3           22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
4 phenylpropanolamine product" means a product that contains ephedrine,  
5 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is  
6 all of the following:

7           (a) Approved for sale under the federal act.

8           (b) Labeled, advertised and marketed only for an indication that is  
9 approved by the federal food and drug administration.

10          (c) Either:

11          (i) A nonliquid that is sold in package sizes of not more than three  
12 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
13 phenylpropanolamine and that is packaged in blister packs containing not more  
14 than two dosage units or, if the use of blister packs is technically  
15 infeasible, that is packaged in unit dose packets or pouches.

16          (ii) A liquid that is sold in package sizes of not more than three  
17 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or  
18 phenylpropanolamine.

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

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

23          25. "Practitioner" means a person licensed to prescribe and administer  
24 drugs.

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

28          ~~(a) N-acetylanthranilic acid.~~

29          ~~(b)~~ (a) Anthranilic acid.

30          ~~(c)~~ (b) Ephedrine.

31          ~~(d)~~ (c) Ergotamine.

32          ~~(e)~~ (d) Isosafrole.

33          ~~(f)~~ (e) Lysergic acid.

34          ~~(g)~~ (f) Methylamine.

35          (g) N-ACETYLANTHRANILIC ACID.

36          (h) N-ethylephedrine.

37          (i) N-ethylpseudoephedrine.

38          (j) N-methylephedrine.

39          (k) N-methylpseudoephedrine.

40          (l) Norephedrine.

41          (m) (-)-Norpseudoephedrine.

42          (n) Phenylacetic acid.

43          (o) Phenylpropanolamine.

44          (p) Piperidine.

45          (q) Pseudoephedrine.

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

- 4           ~~(e)~~ (a) Chlorephedrine.
- 5           ~~(d)~~ (b) Chlorpseudoephedrine.
- 6           ~~(a)~~ (c) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 7           ~~(b)~~ (d) 4-cyano-1-methyl-4-phenylpiperidine.
- 8           (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 9           (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 10          (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 11          (h) N-formyl amphetamine.
- 12          (i) N-formyl methamphetamine.
- 13          (j) Phenyl-2-propanone.
- 14          (k) 1-piperidinocyclohexane carbonitrile.
- 15          (l) 1-pyrrolidinocyclohexane carbonitrile.

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

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

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

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

28           (d) Any drug required by the federal act to bear on its label the  
29 legend "Caution: Federal law prohibits dispensing without prescription" or  
30 "RX only".

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

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

- 35           (a) Acetic anhydride.
- 36           ~~(b) Hypophosphorous acid.~~
- 37           ~~(c) Iodine.~~
- 38           ~~(d) Sodium acetate.~~
- 39           ~~(e) Red phosphorus.~~
- 40           (b) 1, 4-BUTANEDIOL.
- 41           (c) 1, 2 BUTANOLIDE.
- 42           (d) BUTYROLACTONE.
- 43           (e) DIHYDRO-2(3H)-FURANONE.
- 44           (f) Gamma butyrolactone (GBL).
- 45           ~~(g) 1, 4-butanediol.~~

- 1           ~~(h) Butyrolactone.~~
- 2           ~~(i) 1, 2 butanolide.~~
- 3           ~~(j) 2-oxanalone.~~
- 4           ~~(k) Tetrahydro-2-furanone.~~
- 5           ~~(l) Dihydro-2(3H)-furanone.~~
- 6           (g) HYPOPHOSPHOROUS ACID.
- 7           (h) IODINE.
- 8           (i) 2-OXANALONE.
- 9           (j) RED PHOSPHORUS.
- 10          (k) SODIUM ACETATE.
- 11          (l) TETRAHYDRO-2-FURANONE.
- 12          (m) Tetramethylene glycol.

13          31. "Retailer" means either:

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

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

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

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

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

27          35. "Suspicious transaction" means a transaction to which any of the  
28 following applies:

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

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

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

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

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

45           (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  
22 paint or varnish dispensed by the use of aerosol spray, or any glue, which  
23 releases vapors or fumes containing acetone, volatile acetates, benzene,  
24 butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl  
25 alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene,  
26 volatile ketones, isophorone, chloroform, methylene chloride, mesityl oxide,  
27 xylene, cumene, ethylbenzene, trichloroethylene, mibk, miak, mek or diacetone  
28 alcohol or isobutyl nitrite.

29 39. "Weight" unless otherwise specified includes the entire weight of  
30 any mixture or substance that contains a detectable amount of an unlawful  
31 substance. If a mixture or substance contains more than one unlawful  
32 substance, the weight of the entire mixture or substance is assigned to the  
33 unlawful substance that results in the greater offense. If a mixture or  
34 substance contains lysergic acid diethylamide, the offense that results from  
35 the unlawful substance shall be based on the greater offense as determined by  
36 the entire weight of the mixture or substance or the number of blotter dosage  
37 units. For the purposes of this paragraph, "mixture" means any combination  
38 of substances from which the unlawful substance cannot be removed without a  
39 chemical process.

40 40. "Wholesaler" means a person who in the usual course of business  
41 lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or  
42 regulated chemicals that he himself has not produced or prepared, but not to  
43 a person for the purpose of consumption by the person, whether or not the  
44 wholesaler has a permit that is issued pursuant to title 32, chapter  
45 18. Wholesaler includes a person who sells, delivers or dispenses a

1 precursor chemical in an amount or under circumstances that would require  
2 registration as a distributor of precursor chemicals under the federal act.

3 Sec. 2. Section 15-712, Arizona Revised Statutes, is amended to read:

4 15-712. Instruction on alcohol, tobacco, narcotic drugs,  
5 marijuana, date rape drugs and other dangerous drugs:  
6 chemical abuse prevention programs: definitions

7 A. Instruction on the nature and harmful effects of alcohol, tobacco,  
8 narcotic drugs, marijuana, date rape drugs and other dangerous drugs on the  
9 human system and instruction on the laws related to the control of these  
10 substances and the nonuse and prevention of use and abuse of alcohol,  
11 tobacco, narcotic drugs, marijuana, date rape drugs and other dangerous drugs  
12 may be included in the courses of study in common and high schools, with  
13 emphasis on grades four through nine. Instruction on the nature and harmful  
14 effects of alcohol, tobacco, narcotic drugs, marijuana, date rape drugs and  
15 other dangerous drugs on a human fetus may be included in the courses of  
16 study in grades six through twelve. The instruction may be integrated into  
17 existing health, science, citizenship or similar studies and shall meet the  
18 criteria for chemical abuse prevention education programs developed pursuant  
19 to subsection C of this section.

20 B. At the request of a school district, the department of education  
21 shall provide technical assistance to school districts that choose to  
22 implement programs to prevent chemical abuse.

23 C. The department of education and the department of health services,  
24 ~~in consultation with the committee established pursuant to section 41-617,~~  
25 shall establish an interagency committee to coordinate their assistance to  
26 school districts.

27 D. The state board of education may accept gifts and grants and shall  
28 distribute them and monies appropriated for chemical abuse prevention  
29 programs to school districts to assist with the costs of programs designed to  
30 prevent chemical abuse by pupils in kindergarten programs and grades one  
31 through twelve. School districts ~~which~~ THAT have approved chemical abuse  
32 prevention policies and procedures as prescribed in section 15-345 are  
33 eligible for a maximum of one dollar for each pupil or one thousand dollars,  
34 whichever is more. If sufficient monies are not available to meet all  
35 requests, the state board shall determine which school districts to fund  
36 based on need, availability of other programs or sources of revenue and the  
37 likelihood of the school district's proposed program successfully meeting  
38 needs identified by the school district. A school district shall include the  
39 monies it receives for chemical abuse prevention programs under this section  
40 in the special projects section of the budget as provided in section 15-903,  
41 subsection F.

42 E. For the purpose of this section:

43 1. "Date rape drug" means a drug ~~prescribed~~ LISTED in section 13-3401,  
44 paragraph 30, ~~subdivisions~~ SUBDIVISION (b), (c), (d), (e), (f), (i), (l)  
45 ~~through~~ OR (m).

1           2. "Narcotic drug", "marijuana" and "dangerous drug" have the same  
2 meaning prescribed in section 13-3401.

3           Sec. 3. Section 36-2513, Arizona Revised Statutes, is amended to read:  
4           36-2513. Substances in schedule II

5           A. The following controlled substances are, unless specifically  
6 excepted, included in schedule II:

7           1. Any of the following substances, whether produced directly or  
8 indirectly by extraction from substances of vegetable origin or independently  
9 by means of chemical synthesis or by combination of extraction and chemical  
10 synthesis:

11           (a) Opium and opiate and any salt, compound, derivative or preparation  
12 of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, naloxone  
13 and naltrexone and their respective salts, but including the following:

- 14           ~~(i) Raw opium.~~
- 15           ~~(ii) Opium extracts.~~
- 16           ~~(iii) Opium fluid extracts.~~
- 17           ~~(iv) Powdered opium.~~
- 18           ~~(v) Granulated opium.~~
- 19           ~~(vi) Tincture of opium.~~
- 20           (vii) (i) Codeine.
- 21           ~~(viii)~~ (ii) Ethylmorphine.
- 22           ~~(ix)~~ (iii) Etorphine hydrochloride.
- 23           (iv) GRANULATED OPIUM.
- 24           ~~(x)~~ (v) Hydrocodone.
- 25           ~~(xi)~~ (vi) Hydromorphone.
- 26           ~~(xii)~~ (vii) Metopon.
- 27           ~~(xiii)~~ (viii) Morphine.
- 28           (ix) OPIUM EXTRACTS.
- 29           (x) OPIUM FLUID EXTRACTS.
- 30           ~~(xiv)~~ (xi) Oxycodone.
- 31           ~~(xv)~~ (xii) Oxymorphone.
- 32           (xiii) POWDERED OPIUM.
- 33           (xiv) RAW OPIUM.
- 34           ~~(xvi)~~ (xv) Thebaine.
- 35           ~~(xvii) Levo-alphaacetylmethadol.~~
- 36           (xvi) TINCTURE OF OPIUM.

37           (b) Any salt, compound, derivative or preparation thereof which is  
38 chemically equivalent or identical with any of the substances referred to in  
39 subdivision (a) of this paragraph, except that these substances shall not  
40 include the isoquinoline alkaloids of opium.

41           (c) Opium poppy and poppy straw.

42           (d) Coca leaves and any salt, compound, derivative or preparation of  
43 coca leaves, including cocaine and its optical isomers and any salt,  
44 compound, derivative or preparation thereof which is chemically equivalent or  
45 identical with any of these substances, except that the substances shall not

1 include decocainized coca leaves or extraction of coca leaves, which  
2 extractions do not contain cocaine or ecgonine.

3 (e) Concentrate of poppy straw (the crude extract of poppy straw in  
4 either liquid, solid or powder form which contains the phenanthrine alkaloids  
5 of the opium poppy).

6 (f) **ORIPAVINE AND ANY SALT, COMPOUND, DERIVATIVE OR PREPARATION OF**  
7 **ORIPAVINE.**

8 2. Any of the following, including opiates and isomers, esters,  
9 ethers, salts and salts of isomers of the following, whenever the existence  
10 of these isomers, esters, ethers and salts is possible within the specific  
11 chemical designation, dextrorphan excepted:

- 12 (a) Alfentanil.
- 13 (b) Alphaprodine.
- 14 (c) Anileridine.
- 15 (d) Bezitramide.
- 16 (e) Carfentanil.
- 17 (f) Dihydrocodeine.
- 18 (g) Diphenoxylate.
- 19 (h) Fentanyl.
- 20 (i) Isomethadone.
- 21 (j) **LEVO-ALPHACETYLMETHADOL.**
- 22 ~~(j)~~ (k) Levomethorphan.
- 23 ~~(k)~~ (l) Levorphanol.
- 24 ~~(l)~~ (m) Metazocine.
- 25 ~~(m)~~ (n) Methadone.
- 26 ~~(n)~~ (o) Methadone--intermediate, 4-cyano-2-dimethylamino-4,  
27 4-diphenylbutane.
- 28 ~~(o)~~ (p) Moramide--intermediate, 2-methyl-3-morpholino-1,  
29 1-diphenylpropane-carboxylic acid.
- 30 ~~(p)~~ (q) Nabilone.
- 31 ~~(q)~~ (r) Pethidine (meperidine).
- 32 ~~(r)~~ (s) Pethidine--intermediate--A, 4-cyano-1-methyl-  
33 4-phenylpiperidine.
- 34 ~~(s)~~ (t) Pethidine--intermediate--B, ethyl-4-phenylpiperidine-  
35 4-carboxylate.
- 36 ~~(t)~~ (u) Pethidine--intermediate--C, 1-methyl-4-phenylpiperidine-  
37 4-carboxylic acid.
- 38 ~~(u)~~ (v) Phenazocine.
- 39 ~~(v)~~ (w) Phenylacetone.
- 40 ~~(w)~~ (x) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (pepap),  
41 including its optical isomers, salts and salts of isomers.
- 42 ~~(x)~~ (y) Piminodine.
- 43 ~~(y)~~ (z) Racemethorphan.
- 44 ~~(z)~~ (aa) Racemorphan.
- 45 ~~(aa)~~ ~~Sufentanil.~~



1 (bb) Remifentanyl.

2 (cc) **SUFENTANIL.**

3 3. Any material, compound, mixture or preparation which contains any  
4 quantity of the following substances having a potential for abuse associated  
5 with a stimulant effect on the central nervous system:

6 (a) Amphetamine and its salts, optical isomers and salts of its  
7 optical isomers.

8 (b) **LISDEXAMFETAMINE.**

9 ~~(b)~~ (c) Methamphetamine, including its salts, isomers and salts of  
10 isomers.

11 (d) **METHYLPHENIDATE.**

12 ~~(e)~~ (e) Phenmetrazine and its salts.

13 ~~(d) —Methylphenidate—~~

14 4. Any material, compound, mixture or preparation which contains any  
15 quantity of the following substances having a potential for abuse associated  
16 with a depressant effect on the central nervous system, including its salts,  
17 isomers and salts of isomers whenever the existence of such salts, isomers  
18 and salts of isomers is possible within the specific chemical designation:

19 (a) Amobarbital.

20 (b) Glutethimide.

21 (c) Pentobarbital.

22 (d) Phencyclidine.

23 (e) Phencyclidine immediate precursors:

24 (i) 1-phenylcyclohexylamine.

25 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

26 (f) Secobarbital.

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