CHAPTER 19-03.1
UNIFORM CONTROLLED SUBSTANCES ACT

19-03.1-01. Definitions.

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

1. "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
   a. A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
   b. The patient or research subject at the direction and in the presence of the practitioner.
2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
3. "Anabolic steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids.
4. "Board" means the state board of pharmacy.
5. "Bureau" means the drug enforcement administration in the United States department of justice or its successor agency.
6. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V as set out in this chapter.
7. "Controlled substance analog":
   a. Means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in a schedule I or II and:
      (1) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system which is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or
      (2) With respect to a particular individual, which the individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.
   b. Does not include:
      (1) A controlled substance;
      (2) Any substance for which there is an approved new drug application; or
      (3) With respect to a particular individual, any substance, if an exemption is in effect for investigational use, for that individual, under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355] to the extent conduct with respect to the substance is pursuant to the exemption.
8. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
10. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
11. "Dispenser" means a practitioner who dispenses.

12. "Distribute" means to deliver other than by administering or dispensing a controlled substance.
13. "Distributor" means a person who distributes.
14. "Drug" means:
    a. Substances recognized as drugs in the official United States pharmacopeia national formulary, or the official homeopathic pharmacopeia of the United States, or any supplement to any of them;
    b. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals;
    c. Substances, other than food, intended to affect the structure or any function of the body of individuals or animals; and
    d. Substances intended for use as a component of any article specified in subdivision a, b, or c. The term does not include devices or their components, parts, or accessories.
15. "Immediate precursor" means a substance:
    a. That the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
    b. That is an immediate chemical intermediary used or likely to be used in the manufacture of the controlled substance; and
    c. The control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.
16. "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled substance:
    a. By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
    b. By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.
17. "Marijuana" means all parts of the plant of the genus cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant. The term does not include:
    a. The tetrahydrocannabinol extracted or isolated from the plant;
    b. The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination;
    c. Hemp as defined in chapter 4.1-18.1; or
    d. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
18. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
    a. Opium and opiate and any salt, compound, derivative, or preparation of opium or opiate.
    b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
    c. Opium poppy and poppy straw.

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

19. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term does not include, unless specifically designated as controlled under section 19-03.1-02, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes its racemic and levorotatory forms.
20. "Opium poppy" means the plant of the species papaver somniferum L., except its seeds.
21. "Over-the-counter sale" means a retail sale of a drug or product other than a controlled, or imitation controlled, substance.
22. "Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
23. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
24. "Practitioner" means:
    a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted by the jurisdiction in which the individual is practicing to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research.
    b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.
25. "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.
26. "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by a person, whether as principal, proprietor, agent, servant, or employee.
27. "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrin, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.
28. "State" when applied to a part of the United States includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States.
29. "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

19-03.1-01.1. Board - Agreements - Gifts.

1. In carrying out its duties under this chapter, the board shall consult with representatives of each of the following interests: North Dakota board of medicine, board of dental examiners, board of registry in podiatry, board of veterinary medical examiners, board of nursing, the college of pharmacy, and the school of medicine.
2. To carry out its duties under this chapter, the board may enter into agreements or memorandums of understanding with the interests named in subsection 1. Additionally, the board may contract for and accept private contributions, gifts, and grants-in-aid from the federal government, private industry, and other sources. The income received

from these sources must be spent for the purpose designated in the gift, grant, or donation.

19-03.1-02. Authority to control.

1. The board shall administer this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in sections 19-03.1-05, 19-03.1-07, 19-03.1-09, 19-03.1-11, or 19-03.1-13 pursuant to the procedures of chapter 28-32. In making a determination regarding a substance, the board shall consider the following:
   a. The actual or relative potential for abuse;
   b. The scientific evidence of its pharmacological effect, if known;
   c. The state of current scientific knowledge regarding the substance;
   d. The history and current pattern of abuse;
   e. The scope, duration, and significance of abuse;
   f. The risk to the public health;
   g. The potential of the substance to produce psychic or physiological dependence liability; and
   h. Whether the substance is an immediate precursor of a substance already controlled under this chapter.
2. After considering the factors enumerated in subsection 1, the board shall make findings with respect thereto and issue a rule controlling the substance if it finds the substance has a potential for abuse.
3. If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor are not subject to control solely because they are precursors of the controlled precursor.
4. If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the board shall similarly control the substance under this chapter after the expiration of thirty days from publication in the federal register of a final order designating a substance as a controlled substance or rescheduling, or deleting a substance, unless within that thirty-day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall publish the reasons for objection and afford all interested parties an opportunity to be heard. At the conclusion of the hearing, the board shall publish its decision, which is final unless altered by statute. Upon publication of objection to inclusion, rescheduling, or deletion under this chapter by the board, control under this chapter is stayed until the board publishes its decision.
5. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in title 5.

19-03.1-03. Nomenclature.

The controlled substances listed or to be listed in the schedules in sections 19-03.1-05, 19-03.1-07, 19-03.1-09, 19-03.1-11, and 19-03.1-13 are included by whatever official, common, usual, chemical, or trade name designated.

19-03.1-04. Schedule I tests.

The board shall place a substance in schedule I if it finds that the substance:

1. Has high potential for abuse; and
2. Has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

19-03.1-05. Schedule I.

1. The controlled substances listed in this section are included in schedule I.
2. Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

3. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:
    a. Acetylmethadol.
    b. Allylprodine.
    c. Alphacetylmethadol.
    d. Alphameprodine.
    e. Alphamethadol.
    f. Benzethidine.
    g. Betacetylmethadol.
    h. Betameprodine.
    i. Betamethadol.
    j. Betaprodine.
    k. Brorphine.
    l. Clonitazene.
    m. Dextromoramide.
    n. Diampromide.
    o. Diethylthiambutene.
    p. Difenoxin.
    q. Dimenoxadol.
    r. Dimepheptanol.
    s. Dimethylthiambutene.
    t. Dioxaphetyl butyrate.
    u. Dipipanone.
    v. Ethylmethylthiambutene.
    w. Etonitazene.
    x. Etoxeridine.
    y. Furethidine.
    z. Hydroxypethidine.
    aa. Isotonitazene (also known as N,N-diethyl-2-(2-(4- isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).
    bb. Ketobemidone.
    cc. Levomoramide.
    dd. Levophenacylmorphan.
    ee. Morpheridine.
    ff. MPPP (also known as 1-methyl-4-phenyl-4-propionoxypiperidine).
    gg. Noracymethadol.
    hh. Norlevorphanol.
    ii. Normethadone.
    jj. Norpipanone.
    kk. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-acetoxypiperidine).
    ll. Phenadoxone.
    mm. Phenampromide.
    nn. Phenomorphan.
    oo. Phenoperidine.
    pp. Piritramide.
    qq. Proheptazine.
    rr. Properidine.
    ss. Propiram.
    tt. Racemoramide.
    uu. Tilidine.
    vv. Trimeperidine.
    ww. 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (also known as U-47700).
    xx. 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (also know as MT-45).

yy. 3,4-dichloro-*N*-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (also known as AH-7921).

zz. Zipeprol.

aaa. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (also known as Butonitazene).

bbb. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (also known as Etodesnitazene and etazene).

ccc. N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Flunitazene).

ddd. N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metodesnitazene).

eee. N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metonitazene).

fff. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (also known as N-Pyrrolidino Etonitazene and Etonitazepyne).

ggg. N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Protonitazene).

hhh. N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (Other name: N-desethyl isotonitazene).

iii. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole (Other names: N-piperidinyl etonitazene; etonitazepipne).

jjj. 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one).

kkk. Fentanyl derivatives. Unless specifically excepted or unless listed in another schedule or are not FDA approved drugs, and are derived from N-(1-(2-Phenylethyl)-4-piperidinyl)-N-phenylpropanamide (Fentanyl) by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the anilido phenyl group, or any combination of the above. Examples include:

(1) N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide (also known as Acetyl-alpha-methylfentanyl).

(2) N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine (also known as Alpha-methylfentanyl).

(3) N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (also known as Alpha-methylthiofentanyl).

(4) N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide (also known as Beta-hydroxyfentanyl).

(5) N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide (also known as Beta-hydroxy-3-methylfentanyl).

(6) N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (also known as 3-Methylfentanyl).

(7) N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (also known as 3-Methylthiofentanyl).

(8) N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide (also known as Para-fluorofentanyl).

(9) N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]propanamide (also known as Thiofentanyl).

(10) N-(1-phenylethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (also known as Furanyl Fentanyl).

(11) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (also known as Butyryl Fentanyl).

(12) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide (also known as Beta-Hydroxythiofentanyl).

(13) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Acetyl Fentanyl).
(14) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (also known as Acryl Fentanyl).
(15) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (also known as Valeryl Fentanyl).
(16) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as 4-Fluoroisobutyryl Fentanyl).
(17) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (also known as Ortho-fluorofentanyl, 2-Fluorofentanyl).
(18) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (also known as Tetrahydrofuranyl Fentanyl).
(19) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Methoxyacetyl Fentanyl).
(20) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (also known as Cyclopropyl Fentanyl).
(21) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ocfentanil).
(22) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (also known as Cyclopentyl Fentanyl).
(23) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (also known as Isobutyryl Fentanyl).
(24) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as Para-chloroisobutyryl Fentanyl).
(25) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-methoxybutyryl Fentanyl).
(26) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-fluorobutyryl Fentanyl).
(27) N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (also known as 2'-fluoro Ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl).
(28) N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ortho-methyl Acetylfentanyl; 2-methyl acetylfentanyl).
(29) N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (also known as Beta'-phenyl Fentanyl; 3-phenylpropanoyl fentanyl and Hydrocinnamoyl Fentanyl).
(30) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (also known as Thiofuranyl Fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).
(31) (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (also known as Crotonyl Fentanyl).
(32) N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide (4'-methyl acetyl fentanyl).
(33) N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (beta-methyl fentanyl).
(34) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl).
(35) 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl).
(36) N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (para-methylfentanyl; 4-methylfentanyl).
(37) N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl).
(38) Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate).
(39) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide (ortho-fluoroacryl fentanyl).
(40) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (ortho-fluoroisobutyryl fentanyl).

(41) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (para-fluoro furanyl fentanyl).
(42) 2',5'-dimethoxyfentanyl(N-(1-(2,5-dimethoxyphenethyl)piperidine-4-yl)-N-phenylpropionamide).
(43) 3-furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide).
(44) alpha'-methyl butyryl fentanyl(2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide).
(45) beta-methylacetyl fentanyl(N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide).
(46) isovaleryl fentanyl(3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide).
(47) meta-fluorofentanyl(N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide).
(48) meta-fluorofuranyl fentanyl(N-3-fluorophenyl)-N-(1-phenethylpipieridin-4-yl)furan-2-carboxamide.
(49) meta-fluoroisobutyryl fentanyl(N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide).
(50) ortho-chlorofentanyl(N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide.
(51) ortho-fluorofuranyl fentanyl(N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide).
(52) ortho-methylcyclopropylfentanyl(N-2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide.
(53) para-chlorofentanyl(N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide).
(54) para-fluoro valeryl fentanyl(N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide).
(55) para-methoxyfuranyl fentanyl(N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide).
(56) para-methylcyclopropyl fentanyl(N-(4-methylphenyl)-N-(1-phenylpiperidin-4-yl)cyclopropanecarboxamide).
(57) tetrahydrothiofuranyl fentanyl(N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide).

lll. Kratom alkaloid derivatives. Unless specifically excepted or listed in another schedule, any kratom alkaloid derivative, including a synthetic or semisynthetic kratom alkaloid derivative, its isomers, esters, ethers, salts, and salts of isomers. Examples include:
(1) Methyl (E)2-((2S,3S,7aS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12b-octahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate (also known as 7-hydroxymitragynine; also known as (alphaE,2S,3S,7aS,12bS)-3-ethyl-1,2,3,4,6,7,7a,12b-octahydro-7a-hydroxy-8-methoxy-a-(methoxymethylene)-indolo[2,3-a]quinolizine-2-acetic acid, methyl ester) above a specified threshold described as:
(a) Any botanical material of the plant mitragyna speciosa, also known as kratom, and contains more than five one-hundredths percent of 7-hydroxymitragynine on a dry weight basis; or
(b) Any alternative article or material to that described in subparagraph a, that is:
[1] Resulting from synthetic methods and containing 7-hydroxymitragynine present in amounts greater than five one-hundredths percent weight/weight, weight/volume, or volume/volume or greater than one milligram of 7-hydroxymitragynine in the article; or
[2] Material derived from mitragyna speciosa and further processed to manufacture alternative dosage forms such as extracts,

concentrates, processed edibles, or pressed pills, and which may have materials that have been exposed to chemical, thermal, or other methods leading to chemical transformations that result in 7-hydroxymitragynine present in amounts greater than five one-hundredths percent weight/weight, weight/volume, or volume/volume or greater than one milligram of 7-hydroxymitragynine in the article.

(2) Methyl (E)-2-((1'S,6'S,7'S)-6'-ethyl-4-methoxy-3-oxo-3',5',6',7',8',8a'-hexahydro-2'H-spiro[indoline-2,1'-indolizine]-7'-yl)-3-methoxyacrylate (also known as mitragynine pseudoindoxyl).

(3) Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate (also known as MGM-15; also known as dihydro-7-hydroxymitragynine).

(4) Methyl (E)-2-((2S,3S,7aS,12aR,12bS)-3-ethyl-9-fluoro-7a-hydroxy-8-methoxy-1,2,3,4,6,7,7a,12,12a,12b-decahydroindolo[2,3-a]quinolizin-2-yl)-3-methoxyacrylate (also known as MGM-16; also known as fluoro-dihydro-7-hydroxymitragynine; also known as 9-fluoro derivate of dihydro-7-hydroxymitragynine; also known as the 10-fluoro derivate of dihydro-7-hydroxymitragynine).

(5) Methyl (E)-2-[(2S,3S,7aS,12bS)-7a-acetyloxy-3-ethyl-8-methoxy-2,3,4,6,7,12b-hexahydro-1H-indolo[2,3-a]quinolizin-2-yl]-3-methoxyprop-2-enoate (also known as 7-acetoxymitragynine).

4. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
   a. Acetorphine.
   b. Acetyldihydrocodeine.
   c. Benzylmorphine.
   d. Codeine methylbromide.
   e. Codeine-N-Oxide.
   f. Cyprenorphine.
   g. Desomorphine.
   h. Dihydromorphine.
   i. Drotebanol.
   j. Etorphine (except hydrochloride salt).
   k. Heroin.
   l. Hydromorphinol.
   m. Methyldesorphine.
   n. Methyldihydromorphine.
   o. Morphine methylbromide.
   p. Morphine methylsulfonate.
   q. Morphine-N-Oxide.
   r. Myrophine.
   s. Nicocodeine.
   t. Nicomorphine.
   u. Normorphine.
   v. Pholcodine.
   w. Thebacon.
5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).
b. Alpha-methyltryptamine.
c. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).
d. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA.
e. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
f. Lysergic acid diethylamide.
g. Marijuana.
h. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).
i. Peyote (all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or its extracts).
j. N-ethyl-3-piperidyl benzilate.
k. N-methyl-3-piperidyl benzilate.
l. Psilocybin.
m. (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; such as the following:
(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8-tetrahydrocannabinol.
(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(2) Tetrahydrocannabinols do not include:
(a) The allowable amount of total tetrahydrocannabinol found in hemp or an allowed hemp commodity or product as defined in chapter 4.1-18.1; or
(b) A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

n. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.
(1) Indole acetamides. Any compound structurally derived from 1H-indole3-acetamide or 1H-2-acetamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the acetamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
(a) Substitution to the indole ring to any extent; or

(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any extent; or
(c) A nitrogen heterocyclic analog of the indole ring; or
(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
(e) Examples include:
[1] N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide - Other names: CH-PIATA, Cyclohexyl-PIATA, CHX-PIATA, CH-PIACA, and CHX-PIACA.
[2] N-cyclohexyl-2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetamide - Other names: CH-FUBIATA and CH-FUBIACA.
[3] 2-[[2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetyl]amino]-3,3-dimethyl-butanamide - Other names: ADB-FUBIATA, FUB-ACADB, and AD-18.

(2) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
(a) Substitution to the indole ring to any extent; or
(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any extent; or
(c) A nitrogen heterocyclic analog of the indole ring; or
(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
(e) Examples include:
[1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.
[2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
[3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.
[4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.
[5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.
[6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
[7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.
[8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
[9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.
[10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.
[11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other names: RCS-8.
[12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.
[13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.

[14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.
[15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
[16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names: AM-694.
[17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone - Other names: WIN 48,098 and Pravadoline.
[18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone -- Other names: UR-144.
[19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: XLR-11.
[20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: A-796,260.
[21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone -- Other names: THJ-2201.
[22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other names: THJ-018.
[23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone - Other names: FUBIMINA.
[24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl) indole - Other names: AM-1248.
[25] 1-Pentyl-3-(1-adamantoyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.

(3) Indole carboxamides. Any compound structurally derived from 1H-indole-3-carboxamide or 1H-2-carboxamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the nitrogen of the carboxamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
(a) Substitution to the indole ring to any extent; or
(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or
(c) A nitrogen heterocyclic analog of the indole ring; or
(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
(e) Examples include:
[1] N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.
[2] N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135.
[3] N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other names: AKB 48 and APINACA.
[4] N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other names: NNEI and MN-24.
[5] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide - Other names: ADBICA.
[6] (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: AB-PINACA.
[7] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names: AB-FUBINACA.

[8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA and 5F-AB-PINACA.

[9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: ADB-PINACA.

[10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: AB-CHMINACA.

[11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: ADB-FUBINACA.

[12] N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H -indazole-3-carboxamide - Other names: FUB-AKB48, FUB-APINACA, and AKB48 N-(4-FLUOROBENZYL).

[13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide - Other names: 5-fluoro-THJ.

[14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.

[15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA, and AMB-FUBINACA.

[16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1 H-indazole-3-carboxamide - Other names: MAB-CHMINACA and ADB-CHMINACA.

[17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-ADB and 5F-MDMB-PINACA.

[18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5F-APINACA and 5F-AKB48.

[19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-CHMICA and MMB-CHMINACA.

[20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-FUBINACA.

[21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxa mide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN -BINACA; SGT-78.

[22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate - Other names: MMB-CHMICA, AMB-CHMICA.

[23] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridi ne-3-carboxamide - Other names: 5F-CUMYL-P7AICA.

[24] ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-EDMB-PINACA.

[25] methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.

[26] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 5F-CUMYL-PINACA, SGT-25.

[27] (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone - Other names: FUB-144.

[28] methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BINACA, 4F-MDMB-BUTINACA).

[29] Methyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.

[30] 5-bromo-N-(1-carbamoyl-2,2-dimethyl-propyl)-1H-indazole-3-carboxamide - Other names: ADB-5Br-INACA.
[31] Methyl 2-[(5-bromo-1H-indazole-3-carbonyl)amino]-3,3-dimethyl-butanoate - Other names: MDMB-5Br-INACA.
[32] 5-bromo-1-butyl-N-(1-carbamoyl-2,2-dimethyl-propyl)indazole-3-carboxamide - Other names: ADB-5'Br-BINACA and ADB-5'Br-BUTINACA.
[33] Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate - Other name: MDMB-4en-PINACA.
[34] Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA.
[35] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide - Other name: ADB-4en-PINACA.
[36] Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 5F-EDMB-PICA; 5F-EDMB-2201.
[37] Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methyl butanoate - Other name: MMB-FUBICA.
[38] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide - Other name: ADB-BUTINACA.

(4) Indole carboxylic acids. Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
(a) Substitution to the indole ring to any extent; or
(b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, propionaldehyde group to any extent; or
(c) A nitrogen heterocyclic analog of the indole ring; or
(d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
(e) Examples include:
[1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: BB-22 and QUCHIC.
[2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FDU-PB-22.
[3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: PB-22 and QUPIC.
[4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: 5-Fluoro PB-22 and 5F-PB-22.
[5] quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FUB-PB-22.
[6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate - Other names: NM2201 and CBL2201.

(5) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:

(a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.
(b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.

(6) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.

(7) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2 (4 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.

(8) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:
(a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.
(b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.
(c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.

(9) Others specifically named:
(a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.
(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.
(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone - Other names: WIN 55,212-2.
(d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other names: CB-13.
(e) N-[(Z)-(1-hexyl-2-oxo-indolin-3-ylidene)amino]benzamide - Other names: BZO-HEXOXIZID and MDA-19.
(f) N-[(Z)-(2-oxo-1-pentyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-POXIZID, Pentyl MDA-19, and 5C-MDA-19.
(g) N-[(Z)-[1-(5-fluoropentyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: 5F-BZO-POXIZID and 5F-MDA-19.
(h) N-[(Z)-(2-oxo-1-pent-4-enyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-4en-POXIZID and 4en-pentyl MDA-19.
(i) N-[(Z)-[1-(cyclohexylmethyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: BZO-CHMOXIZID, Cyclohexylmethyl MDA-19 and CHM-MDA-19.

(j) N-(1-carbamoyl-2-methyl-propyl)-2-(5-fluoropentyl)-5-(4-fluorophenyl)pyrazole-3-carboxamide - Other Names: 5F-AB-PFUPPYCA.

(k) 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one - Other names: CUMYL-PEGACLONE; SGT-151.

o. Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say, by substitution with a fused methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems.

(1) Whether or not the compound is further modified in any of the following ways, that is to say:

(a) By substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;

(b) By substitution at the 2-position by any alkyl groups; or

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.

(2) Examples include:

(a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).

(b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).

(c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).

(d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).

(e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).

(f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).

(g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).

(h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).

(i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).

(j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).

(k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).

(l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).

(m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).

(n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).

(o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine).

(p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2 -methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-

NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).

(q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).

(r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).

(s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).

(t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).

(u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).

(v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).

(w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).

(x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 2,5I-NBOH).

(y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).

(z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).

(aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).

(bb) 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).

(cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA).

(dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).

(ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).

(ff) 5-methoxy-3,4-methylenedioxy-amphetamine.

(gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM and STP).

(hh) 3,4-methylenedioxy amphetamine (also known as MDA).

(ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).

(jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).

(kk) 3,4,5-trimethoxy amphetamine.

(ll) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).

p. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:

(1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).

(2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).

(3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).

(4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).

(5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).

(6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).

(7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
(8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
(9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
(10) Dimethyltryptamine (also known as DMT).
(11) Psilocyn.

q. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).
r. 1-[4-(trifluoromethylphenyl)]piperazine.
s. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAI).
t. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).
u. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).
v. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).
w. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).
x. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
y. Salvia divinorum, salvinorin A, or any of the active ingredients of salvia divinorum.

6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
a. Gamma-hydroxybutyric acid.
b. Mecloqualone.
c. Methaqualone.
d. Clonazolam (also known as Clonitrazolam).
e. Etizolam.
f. Flualprazolam.
g. Flubromazepam.
h. Flubromazolam.
i. Adinazolam.
j. Bromazolam.
k. Deschloroetizolam.
l. Diclazepam.

7. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
a. Aminorex (also known as 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazolamine).
b. Cathinone.
c. Substituted cathinones. Any compound, material, mixture, preparation, or other product, unless listed in another schedule or an approved food and drug administration drug (e.g., buproprion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
(1) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substitutents;
(2) By substitution at the 3-position with an acyclic alkyl substituent;

(3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(4) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names:

(a) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone (also known as MDPPP).

(b) 3,4-Methylenedioxy-N-ethylcathinone (also known as Ethylone, MDEC, or bk-MDEA).

(c) 3,4-Methylenedioxy-N-methylcathinone (also known as Methylone or bk-MDMA).

(d) 3,4-Methylenedioxypyrovalerone (also known as MDPV).

(e) 3,4-Dimethylmethcathinone (also known as 3,4-DMMC).

(f) 2-(methylamino)-1-phenylpentan-1-one (also known as Pentedrone).

(g) 2-Fluoromethcathinone (also known as 2-FMC).

(h) 3-Fluoromethcathinone (also known as 3-FMC).

(i) 4-Methylethcathinone (also known as 4-MEC and 4-methyl-N-ethylcathinone).

(j) 4-Fluoromethcathinone (also known as Flephedrone and 4-FMC).

(k) 4-Methoxy-alpha-pyrrolidinopropiophenone (also known as MOPPP).

(l) 4-Methoxymethcathinone (also known as Methedrone; bk-PMMA).

(m) 4'-Methyl-alpha-pyrrolidinobutiophenone (also known as MPBP).

(n) Alpha-methylamino-butyrophenone (also known as Buphedrone or MABP).

(o) Alpha-pyrrolidinobutiophenone (also known as alpha-PBP).

(p) Alpha-pyrrolidinopropiophenone (also known as alpha-PPP).

(q) Alpha-pyrrolidinopentiophenone (also known as Alpha-pyrrolidinovalerophenone or alpha-PVP).

(r) Beta-keto-N-methylbenzodioxolylbutanamine (also known as Butylone or bk-MBDB).

(s) Ethcathinone (also known as N-Ethylcathinone).

(t) 4-Methylmethcathinone (also known as Mephedrone or 4-MMC).

(u) Methcathinone.

(v) N,N-dimethylcathinone (also known as metamfepramone).

(w) Naphthylpyrovalerone (naphyrone).

(x) B-Keto-Methylbenzodioxolylpentanamine (also known as Pentylone).

(y) 4-Methyl-alpha-pyrrolidinopropiophenone (also known as 4-MePPP and MPPP).

(z) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (also known as Ephylone and N-Ethylpentylone).

(aa) N-ethylhexedrone (also known as alpha - ethylaminohexanophenone and 2-(ethylamino)-1-phenylhexan-1-one)).

(bb) Alpha-pyrrolidinohexanophenone (also known as alpha-PHP, alpha-pyrrolidinohexiophenone, and 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)).

(cc) 4-methyl-alpha-ethylaminopentiophenone (also known as 4-MEAP and 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)).

(dd) 4'-methyl-alpha-pyrrolidinohexiophenone (also known as MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone and 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one)).

(ee) Alpha-pyrrolidinoheptaphenone (also known as PV8 and 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)).

(ff) 4-chloro-alpha-pyrrolidinovalerophenone (also known as 4-chloro-alpha-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone, and 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)).

(gg) 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one (other name: alpha-PiHP).

(hh) 2-(methylamino)-1-(3-methylphenyl)propan-1-one (other names: 3-MMC; 3-methylmethcathinone).
(ii) Eutylone (also known as 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one).

d. Fenethylline.
e. Fluoroamphetamine.
f. Fluoromethamphetamine.
g. (±)cis-4-methylaminorex (also known as (±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).
h. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).
i. N-ethylamphetamine.
j. N, N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine).
k. 1-(4-methoxyphenyl)-N-methylpropan-2-amine (also known as paramethoxymethamphetamine and PMMA).
l. 4,4′-Dimethylaminorex (4,4′-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).
m. Amineptine (Also known as 7- [(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid).
n. Mesocarb (Also known as N-phenyl-N′ -(3-(1- phenylpropan-2-yl)-1,2,3-oxadiazol-3- ium-5-yl)carbamimidate).
o. Methiopropamine (Also known as N-methyl-1-(thiophen-2-yl)propan-2-amine).
p. Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate).

19-03.1-06. Schedule II tests.

The board shall place a substance in schedule II if it finds that:

1. The substance has high potential for abuse;
2. The substance has currently accepted medical use in treatment in the United States or currently accepted medical use with severe restrictions; and
3. The abuse of the substance may lead to severe psychic or physical dependence.

19-03.1-07. Schedule II.

1. The controlled substances listed in this section are included in schedule II.
2. Schedule II consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
   a. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6 beta-naltrexol, naltrexone, and samidorphan and their respective salts, but including the following:
      (1) Codeine.
      (2) Dihydroetorphine.
      (3) Ethylmorphine.
      (4) Etorphine hydrochloride.
      (5) Granulated opium.
      (6) Hydrocodone.
      (7) Hydromorphone.
      (8) Metopon.
      (9) Morphine.
      (10) Noroxymorphone.

(11) Opium extracts.
(12) Opium fluid.
(13) Oripavine.
(14) Oxycodone.
(15) Oxymorphone.
(16) Powder opium.
(17) Raw opium.
(18) Thebaine.
(19) Tincture of opium.

b. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.

c. Opium poppy and poppy straw.

d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, including cocaine and ecgonine and their salts, isomers, derivatives, and salts of isomers and derivatives, and any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of these substances, except that the nondosage substances must include decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

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

4. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

a. Alfentanil.
b. Alphaprodine.
c. Anileridine.
d. Bezitramide.
e. Bulk dextropropoxyphene (nondosage forms).
f. Carfentanil.
g. Dihydrocodeine.
h. Diphenoxylate.
i. Fentanyl.
j. Isomethadone.
k. Levo-alphaacetylmethadol (LAAM).
l. Levomethorphan.
m. Levorphanol.
n. Metazocine.
o. Methadone.
p. Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
q. Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
r. Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl]ethyl})amine fumarate).
s. Pethidine (also known as meperidine).
t. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
u. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
v. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
w. Phenazocine.
x. Priminodine.
y. Racemethorphan.
z. Racemorphan.
aa. Remifentanil.

bb. Sufentanil.
cc. Tapentadol.
dd. Thiafentanil.

5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:
   a. Amphetamine, its salts, optical isomers, and salts of its optical isomers.
   b. Lisdexamfetamine, its salts, isomers, and salts of isomers.
   c. Methamphetamine, its salts, isomers, and salts of isomers.
   d. Phenmetrazine and its salts.
   e. Methylphenidate.
6. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
   a. Amobarbital.
   b. Glutethimide.
   c. Pentobarbital.
   d. Phencyclidine.
   e. Secobarbital.
7. Hallucinogenic substances.
   a. Nabilone [another name for nabilone (±)-trans-3-(1, 1-dimethylheptyl)-6, 6a, 7, 8, 10, 10a-hexahydro-1-hydroxy-6, 6-dimethyl-9Hdibenzo [b, d] pyran-9-one].
   b. Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the federal food and drug administration.
8. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:
   a. Immediate precursor to amphetamine and methamphetamine: Phenylacetone. Some trade or other names: phenyl-2-propanone; P2P, benzyl methyl ketone; methyl benzyl ketone.
   b. Immediate precursors to phencyclidine (PCP):
      (1) 1-phenylcyclohexylamine.
      (2) 1-piperidinocyclohexanecarbonitrile (PCC).
   c. Immediate precursors to fentanyl:
      (1) 4-anilino-N-phenethylpiperidine (ANPP).
      (2) N-phenyl-N-(piperidin-4-yl)propionamide (norfentanyl).

19-03.1-08. Schedule III tests.

The board shall place a substance in schedule III if it finds that:

1. The substance has a potential for abuse less than the substances listed in schedules I and II;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to moderate or low physical dependence or high psychological dependence.

19-03.1-09. Schedule III.

1. The controlled substances listed in this section are included in schedule III.
2. Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including

its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II and any other drug of the quantitative composition shown in that schedule for those drugs or which is the same except that it contains a lesser quantity of controlled substances.
b. Benzphetamine.
c. Chlorphentermine.
d. Clortermine.
e. Phendimetrazine.

4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:
   a. Any compound, mixture, or preparation containing:
      (1) Amobarbital;
      (2) Secobarbital;
      (3) Pentobarbital;
      or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
   b. Any suppository dosage form containing:
      (1) Amobarbital;
      (2) Secobarbital;
      (3) Pentobarbital;
      or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.
   c. Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules thereof.
   d. Chlorhexadol.
   e. Embutramide.
   f. Gamma-hydroxybutyric acid in a United States food and drug administration-approved drug product.
   g. Ketamine.
   h. Lysergic acid.
   i. Lysergic acid amide.
   j. Methyprylon.
   k. Perampanel.
   l. Sativex or its successor name as determined by the federal food and drug administration.
   m. Sulfondiethylmethane.
   n. Sulfonethylmethane.
   o. Sulfonmethane.
   p. Tiletamine and zolazepam or any salt thereof. Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-2(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, flupyrazapon.
5. Nalorphine.
6. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
   a. (1) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(3) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(4) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(5) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
(6) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

b. Buprenorphine.

7. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including its salts, esters, and ethers:
a. 3beta,17-dihydroxy-5a-androstane;
b. 3alpha,17beta-dihydroxy-5a-androstane;
c. 5alpha-androstan-3,17-dione;
d. 5alpha-androstan-3,6,17-trione;
e. 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
f. 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
g. 4-androstenediol (3beta,17beta-dihydroxyandrost-4-ene);
h. 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
i. 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
j. 4-androstenedione (androst-4-en-3,17-dione);
k. 5-androstenedione (androst-5-en-3,17-dione);
l. Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
m. Boldenone (17beta-hydroxyandrost-1,4,-diene-3-one);
n. Boldione (androsta-1,4-diene-3,17-dione);
o. 6-bromo-androsta-1,4-diene-3,17-dione;
p. 6-bromo-androstan-3,17-dione;
q. Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
r. 4-chloro-17alpha-methyl-androsta-1,4-diene-3,17beta-diol;
s. 4-chloro-17alpha-methyl-androst-4-ene-3beta,17beta-diol;
t. 4-chloro-17alpha-methyl-17beta-hydroxy-androst-4-en-3-one;
u. 4-chloro-17alpha-methyl-17beta-hydroxy-androst-4-ene-3,11-dione;
v. Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);
w. Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
x. Delta-1-dihydrotestosterone (also known as '1-testosterone') (17beta-hydroxy-5alpha-androst-1-en-3-one);
y. Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17beta-ol) (also known as madol);
z. 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);
aa. 3beta,17beta-dihydroxy-5alpha-androstane;
bb. 3alpha,17beta-dihydroxy-5alpha-androstane;
cc. 2alpha,17alpha-dimethyl-17beta-hydroxy-5beta-androstan-3-one;
dd. Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
ee. 2alpha,3alpha-epithio-17alpha-methyl-5alpha-androstan-17beta-ol;
ff. estra-4,9,11-triene-3,17-dione;
gg. 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
hh. Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);

ii. Fluoxymesterone (9-fluoro-17alpha-methyl-11beta, 17beta-dihydroxyandrost-4-en-3-one);
jj. Formebolone (2-formyl-17alpha-methyl-11alpha, 17beta-dihydroxyandrost-1,4-dien-3-one);
kk. Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
ll. [3,2-c]furazan-5alpha-androstan-17beta-ol;
mm. 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
nn. 4-hydroxy-androst-4-ene-3,17-dione;
oo. 17beta-hydroxy-androstano[2,3-d]isoxazole;
pp. 17beta-hydroxy-androstano[3,2-c]isoxazole;
qq. 3beta-hydroxy-estra-4,9,11-trien-17-one;
rr. 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
ss. 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
tt. 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
uu. Mestanolone (17alpha-methyl-17beta-hydroxy-5alpha-androstan-3-one);
vv. Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
ww. Methandienone (17alpha-methyl-17beta-dihydroxyandrost-1,4-dien-3-one);
xx. Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
yy. Methasterone (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one);
zz. Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
aaa. 17alpha-methyl-androsta-1,4-diene-3,17beta-diol;
bbb. 17alpha-methyl-5alpha-androstan-17beta-ol;
ccc. 17alpha-methyl-androstan-3-hydroxyimine-17beta-ol;
ddd. 6alpha-methyl-androst-4-ene-3,17-dione;
eee. 17alpha-methyl-androst-2-ene-3,17beta-diol;
fff. 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
ggg. 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
hhh. 17alpha-methyl-3beta,17beta-dihyroxyandrost-4-ene;
iii. 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
jjj. Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
kkk. Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9(11)-trien-3-one);
lll. Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
mmm. Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
nnn. 17alpha-methyl-delta1-dihydrotestosterone (17bbeta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as '17-alpha-methyl-1-testosterone');
ooo. Nandrolone (17beta-hydroxyestr-4-en-3-one);
ppp. 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
qqq. 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
rrr. 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
sss. 19-nor-5-androstenediol (3alpha,17-beta-dihydroxyester-5-ene);
ttt. 19-nor-4-androstenedione (estr-4-en-3,17-dione);
uuu. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
vvv. 19-nor-5-androstenedione (estr-5-en-3,17-dione);
www. Norboletheone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
xxx. Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
yyy. Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
zzz. Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
aaaa. Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
bbbb. Oxymesterone (17alpha-methyl-4-17beta-dihydroxyandrost-4-en-3-one);
cccc. Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy [5alpha]-androstan-3-one);
dddd. [3,2-c]pyrazole-androst-4-en-17beta-ol;
eeee. Stanozolol (17alpha-methyl-17beta-hydroxy[5alpha]-androst-2-eno[3,2-c]-pyrazole);
ffff. Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

gggg. Prostanozol (17[beta]- hydroxy-5[alpha]-androstano[3,2-c]pyrazole);
hhhh. Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
iiii. Testosterone (17beta-hydroxyandrost-4-en-3-one);
jjjj. Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one); or
kkkk. Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one).

The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for administration unless any person prescribes, dispenses, possesses, delivers, or distributes for human use.

8. Hallucinogenic substances.
   a. Dronabinol (synthetic) [(-)-delta-9-(trans)-tetrahydrocannabinol] in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration-approved drug product.
   b. Any product in hard or soft gelatin capsule form containing natural dronabinol (derived from the cannabis plant) or synthetic dronabinol (produced from synthetic materials) in sesame oil, for which an abbreviated new drug application has been approved by the food and drug administration under section 505(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355(j)] which references as its listed drug the drug product referred to in subdivision a.
9. The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 3 and 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

19-03.1-10. Schedule IV tests.

The board shall place a substance in schedule IV if it finds that:

1. The substance has a low potential for abuse relative to substances in schedule III;
2. The substance has currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in schedule III.

19-03.1-11. Schedule IV.

1. The controlled substances listed in this section are included in schedule IV.
2. Schedule IV consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
   a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
   b. Dextropropoxyphene (also known as alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane).
   c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers including Tramadol.
4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following

substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

a. Alprazolam.
b. Alfaxalone.
c. Barbital.
d. Brexanolone.
e. Bromazepam.
f. Camazepam.
g. Carisoprodol.
h. Chloral betaine.
i. Chloral hydrate.
j. Chlordiazepoxide.
k. Clobazam.
l. Clonazepam.
m. Clorazepate.
n. Clotiazepam.
o. Cloxazolam.
p. Daridorexant.
q. Delorazepam.
r. Diazepam.
s. Dichloralphenazone.
t. Estazolam.
u. Ethchlorvynol.
v. Ethinamate.
w. Ethyl loflazepate.
x. Fludiazepam.
y. Flunitrazepam.
z. Flurazepam.
aa. Fospropofol.
bb. Halazepam.
cc. Haloxazolam.
dd. Indiplon.
ee. Ketazolam.
ff. Lemborexant.
gg. Loprazolam.
hh. Lorazepam.
ii. Lorcaserin.
jj. Lormetazepam.
kk. Mebutamate.
ll. Medazepam.
mm. Meprobamate.
nn. Methohexital.
oo. Methylphenobarbital (also known as mephobarbital).
pp. Midazolam.
qq. Nimetazepam.
rr. Nitrazepam.
ss. Nordiazepam.
tt. Oxazepam.
uu. Oxazolam.
vv. Paraldehyde.
ww. Petrichloral.
xx. Phenobarbital.
yy. Pinazepam.
zz. Propofol.
aaa. Prazepam.

bbb. Quazepam.
ccc. Remimazolam.
ddd. Suvorexant.
eee. Temazepam.
fff. Tetrazepam.
ggg. Triazolam.
hhh. Zaleplon.
iii. Zolpidem.
jjj. Zopiclone.
kkk. Zuranolone.

5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
   a. Cathine.
   b. Diethylpropion.
   c. Fencamfamin.
   d. Fenproporex.
   e. Mazindol.
   f. Mefenorex.
   g. Modafinil.
   h. Pemoline (including organometallic complexes and chelates thereof).
   i. Phentermine.
   j. Pipradrol.
   k. Serdexmethylphenidate.
   l. Sibutramine.
   m. Solriamfetol.
   n. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
6. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of:
   a. Pentazocine, including its salts.
   b. Butorphanol, including its optical isomers.
   c. Eluxadoline (5-[[[(2*S*)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1*S*)-1-(4-phenyl-1*H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.
7. Hallucinogenic substances. Pharmaceutical composition of crystalline polymorph psilocybin, known as COMP360 or any such trade name approved for COMP360 by the United States food and drug administration.
8. The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection 2 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

19-03.1-12. Schedule V tests.

The board shall place a substance in schedule V if it finds that:

1. The substance has low potential for abuse relative to the controlled substances listed in schedule IV;
2. The substance has currently accepted medical use in treatment in the United States; and
3. The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in schedule IV.

19-03.1-13. Schedule V.

1. The controlled substances listed in this section are included in schedule V.
2. Schedule V consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts.
4. Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which includes one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone.
   a. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
   b. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
   c. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
   d. Ganaxolone (3alpha-hydroxy-3beta-methyl-5alpha-pregnan-20-one).
   e. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
   f. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
   g. Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
5. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible:
   a. Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl]butanamide) (also referred to as BRV; UCB-34714; Briviact) (including its salts).
   b. Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester).
   c. Ezogabine N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester.
   d. Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide].
   e. Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide].
   f. Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
   g. Gabapentin [2-[1-(aminomethyl) cyclohexyl] acetic acid].
6. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers: Pyrovalerone.

19-03.1-14. Republishing of schedules.

The board shall revise and republish the schedules annually.

19-03.1-15. Rules.

The board may adopt rules pursuant to chapter 28-32 and charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

19-03.1-16. Registration requirements.

1. Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state shall obtain annually a registration issued by the board in accordance with its rules.
2. Persons registered by the board under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this chapter.
3. The following persons need not register and may lawfully possess controlled substances under this chapter:
   a. An agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if an agent or employee is acting in the usual course of an agent's or employee's business or employment.
   b. A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment.
   c. An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a schedule V substance.
4. The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety.
5. A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.
6. The board may inspect the establishment of a registrant or applicant for registration in accordance with the rules of the board.

19-03.1-17. Registration.

1. The board shall register an applicant to manufacture or distribute controlled substances included in sections 19-03.1-05, 19-03.1-07, 19-03.1-09, 19-03.1-11, and 19-03.1-13 unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:
   a. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;
   b. Compliance with applicable state and local laws;
   c. Any convictions of the applicant under any federal and state laws relating to any controlled substance;
   d. Past experience in the manufacture or distribution of controlled substances and the existence in the applicant's establishment of effective controls against diversion;
   e. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;
   f. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and
   g. Any other factors relevant to and consistent with the public health and safety.
2. Registration under subsection 1 does not entitle a registrant to manufacture and distribute controlled substances in schedule I or II other than those specified in the registration.
3. Practitioners must be registered to dispense any controlled substances or to conduct research with controlled substances in schedules II through V if they are authorized to dispense or conduct research under the laws of this state. The board need not require separate registration under this chapter for practitioners engaging in research with non-narcotic controlled substances in schedules II through V where the registrant is

already registered under this chapter in another capacity. Practitioners registered under federal law to conduct research with schedule I substances may conduct research with schedule I substances within this state upon furnishing the department evidence of that federal registration.

4. Compliance by manufacturers and distributors with the provisions of the federal law respecting registration (excluding fees) entitles them to be registered under this chapter.

19-03.1-17.1. Criminal history record checks.

The board may require an applicant for registration or a registrant whose registration is subject to revocation or suspension or employees or officers of an applicant or registrant to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant or registrant.

19-03.1-18. Revocation and suspension of registration.

1. A registration under section 19-03.1-17 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the board upon a finding that the registrant:
   a. Has furnished false or fraudulent material information in any application filed under this chapter;
   b. Has been convicted of a felony under any state or federal law relating to any controlled substance; or
   c. Has had the registrant's federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances.
2. The board may limit revocation or suspension of a registration to the particular controlled substance with respect to which grounds for revocation or suspension exist.
3. If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.
4. The board shall promptly notify the bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

19-03.1-19. Order to show cause.

1. Before denying, suspending, or revoking a registration, or refusing a renewal of registration, the board shall serve upon the applicant or registrant an order to show cause why registration should not be denied, revoked, or suspended, or why the renewal should not be refused. The order to show cause must contain a statement of the basis therefor and must call upon the applicant or registrant to appear before the board at a time and place not less than thirty days after the date of service of the order, but in the case of a denial or renewal of registration the show cause order must be served not later than thirty days before the expiration of the registration. These proceedings must be conducted in accordance with chapter 28-32 without regard to any criminal prosecution or other proceeding. Proceedings to refuse renewal of registration do not abate the existing registration which remains in effect pending the outcome of the administrative hearing.
2. The board may suspend, without an order to show cause, any registration simultaneously with the institution of proceedings under section 19-03.1-18, or where renewal of registration is refused, if it finds that there is an imminent danger to the

public health or safety which warrants this action. The suspension continues in effect until the conclusion of the proceedings, including judicial review thereof, unless sooner withdrawn by the board or dissolved by a court of competent jurisdiction.

19-03.1-20. Records of registrants.

Persons registered to manufacture, distribute, or dispense controlled substances under this chapter shall keep records and maintain inventories in conformance with the recordkeeping and inventory requirements of federal law and with any additional rules the board issues.

19-03.1-20.1. Report of any theft or loss.

The registrant shall immediately, within one business day, notify the state board of pharmacy of any theft or significant loss of controlled substances. This report may be telephoned, faxed, or electronic mailed to the state board of pharmacy. In addition, significant loss has been further defined to include a list of factors that are relevant in deciding whether a loss was significant. This list is as follows:

1. The actual quantity of controlled substances lost in relation to the type of business;
2. The specific controlled substances lost;
3. Whether the loss of the controlled substances can be associated with access to those controlled substances by specific individuals, or whether the loss can be attributed to unique activities that may take place involving the controlled substances;
4. A pattern of losses over a specific time period, whether the losses appear to be random, and the results of efforts taken to resolve the losses; and, if known
5. Whether specific controlled substances are likely candidates for diversion; and
6. Local trends and other indicators of the diversion potential of the missing controlled substance.

19-03.1-21. Order forms.

Controlled substances in schedules I and II must be distributed by a registrant to another registrant only pursuant to an order form. Compliance with the provisions of federal law respecting order forms must be deemed compliance with this section.

19-03.1-22. Prescriptions.

1. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in schedule II may be dispensed without the written prescription of a practitioner. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature. The prescription may not be filled more than six months after the date it was written.
2. In emergency situations, as defined by rule of the board, schedule II drugs may be dispensed upon oral prescription of a practitioner, reduced promptly to writing, and filed by the pharmacy. Prescriptions must be retained in conformity with the requirements of section 19-03.1-20. No prescription for a schedule II substance may be refilled.
3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in schedule III or IV, which is a prescription drug as determined under this chapter or chapter 19-02.1, may not be dispensed without a written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner. Any oral prescription for such drugs must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.

4. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in schedule V must be dispensed without the written or oral prescription of a practitioner. The prescription may not be filled or refilled more than six months after the date thereof or be refilled more than five times unless renewed by the practitioner. Any oral prescription for such compound, mixture, or preparation must be promptly reduced to writing by the pharmacist, intern, or technician on a new prescription blank. When the patient is a hospice patient or resides in a licensed long-term care facility and the prescription has been signed by the practitioner before faxing, the facsimile may serve as the original prescription without another signature.

19-03.1-22.1. Volatile chemicals - Inhalation of vapors prohibited - Definitions - Penalty.

1. An individual is guilty of a class B misdemeanor if that individual intentionally inhales the vapors of a volatile chemical in a manner designed to affect the individual's central nervous system; to create or induce a condition of intoxication, hallucination, or elation; or to distort, disturb, or change the individual's eyesight, thinking processes, balance, or coordination. An individual is guilty of a class A misdemeanor if that individual violates this section for a third or subsequent offense within one year of the first offense. For a third or subsequent offense, the sentence must include an order for an addiction evaluation by, and compliance with recommendations from, an appropriate licensed addiction treatment program.
2. This section does not apply to inhalations specifically prescribed for medical, dental, or optometric treatment purposes or to controlled substances described in this chapter. For the purposes of this section, "volatile chemical" includes the following chemicals or their isomers:
   a. Acetone.
   b. Aliphatic hydrocarbons.
   c. Amyl nitrite.
   d. Butane.
   e. Butyl nitrite.
   f. Carbon tetrachloride.
   g. Chlorinated hydrocarbons.
   h. Chlorofluorocarbons.
   i. Chloroform.
   j. Cyclohexane.
   k. Diethyl ether.
   l. Ethyl acetate.
   m. Fluorocarbon.
   n. Glycol ether inter solvent.
   o. Glycol ether solvent.
   p. Hexane.
   q. Ketone solvent.
   r. Methanol.
   s. Methyl cellosolve acetate.
   t. Methyl ethyl ketone.
   u. Methyl isobutyl ketone.
   v. Nitrous oxide.
   w. Petroleum distillate.
   x. Toluene.
   y. Trichloroethane.
   z. Trichloroethylene.
   aa. Xylol or xylene.

19-03.1-22.2. Endangerment of child or vulnerable adult.

1. For purposes of this section:

a. "Chemical substance" means a substance intended to be used as a precursor in the manufacture of a controlled substance or any other chemical intended to be used in the manufacture of a controlled substance. Intent under this subsection may be demonstrated by the substance's use, quantity, manner of storage, or proximity to other precursors or to manufacturing equipment.
b. "Child" means an individual who is under the age of eighteen years.
c. "Controlled substance" means the same as that term is defined in section 19-03.1-01, except the term does not include less than one-half ounce [14.175 grams] of marijuana or less than two grams of tetrahydrocannabinol.
d. "Drug paraphernalia" means the same as that term is defined in section 19-03.4-01.
e. "Prescription" means the same as that term is described in section 19-03.1-22.
f. "Vulnerable adult" means a vulnerable adult as the term is defined in section 50-25.2-01.

2. Unless a greater penalty is otherwise provided by law, a person who knowingly or intentionally causes or permits a child or vulnerable adult to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia as defined in subsection 1, is guilty of a class C felony.
3. Unless a greater penalty is otherwise provided by law, a person who violates subsection 2, and a child or vulnerable adult actually suffers bodily injury by exposure to, ingestion of, inhalation of, or contact with a controlled substance, chemical substance, or drug paraphernalia, is guilty of a class B felony unless the exposure, ingestion, inhalation, or contact results in the death of the child or vulnerable adult, in which case the person is guilty of a class A felony.
4. It is an affirmative defense to a violation of this section that the controlled substance was provided by lawful prescription for the child or vulnerable adult and that it was administered to the child or vulnerable adult in accordance with the prescription instructions provided with the controlled substance.

19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.

1. Except as provided in subsections 2 and 3, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class A misdemeanor. This subsection does not apply to ingesting, inhaling, injecting, or otherwise taking into the body marijuana or tetrahydrocannabinol.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana or tetrahydrocannabinol, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. A person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is a kratom alkaloid derivative is guilty of an infraction for a first offense and a class A misdemeanor for a second or subsequent offense.
4. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

19-03.1-22.4. Controlled substances dispensed by means of the internet.

1. As used in this section:
   a. "Covering practitioner" means, with respect to a patient, a practitioner who conducts a medical evaluation, other than an in-person medical evaluation, at the request of a practitioner who:
      (1) Has conducted at least one in-person medical evaluation of the patient or an evaluation of the patient through the practice of telemedicine, within the previous twenty-four months; and

(2) Is temporarily unavailable to conduct the evaluation of the patient.

b. "Deliver, distribute, or dispense by means of the internet" refers, respectively, to delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the internet.

c. "In-person medical evaluation" means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.

d. "Internet" and "practice of telemedicine" have the meanings set forth in the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 [Pub. L. 110-425; 21 U.S.C. 802-803].

e. "Valid prescription" means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by a:

(1) Practitioner who has conducted at least one in-person medical evaluation of the patient; or

(2) Covering practitioner.

2. A controlled substance that is a prescription drug may not be delivered, distributed, or dispensed by means of the internet without a valid prescription, but nothing in this subsection may be construed to imply that one in-person medical evaluation by itself demonstrates that a prescription has been validly issued for a legitimate medical purpose within the usual course of professional practice.

3. This section applies to the delivery, distribution, and dispensing of a controlled substance by means of the internet from a location whether within or outside this state to a person or an address in this state.

4. Nothing in this section applies to the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine in accordance with applicable federal and state laws.

5. Nothing in this section may be construed as authorizing, prohibiting, or limiting the use of electronic prescriptions for controlled substances.

19-03.1-22.5. Controlled substance analog use - Venue for violation - Penalty.

1. The use of controlled substance analog includes the ingestion, inhalation, absorption, or any other method of taking the controlled substance analog into the body. An individual who intentionally uses a controlled substance analog is guilty of a class A misdemeanor for a first offense and a class C felony for a second or subsequent offense, unless the individual obtains the analog directly from a practitioner or pursuant to a valid prescription or order of a practitioner.

2. The venue for a violation under this section exists in the jurisdiction in which the substance was used or in which the substance was detected.

19-03.1-22.6. Distribution of illegal drugs - Special penalty for death or injury.

1. As used in this section:

a. "Consume" means to inject, ingest, or inhale a controlled substance.

b. "Controlled substance" includes derivatives or analogs to a scheduled controlled substance.

c. "Injury" means an overdose that puts an individual's life at immediate risk.

d. "Supplies" includes delivering, supplying, directing, or willfully assisting another to supply or deliver a controlled substance.

2. An individual is guilty of causing death or injury by distributing a controlled substance if the individual willfully delivers a controlled substance, or supplies another to deliver or consume a controlled substance, and an individual dies or is injured from overdosing after consuming a portion of that controlled substance.

a. A violation of this section is a class A felony.

b. This section does not limit a conviction under chapter 12.1-16, but an individual may not be found guilty of this section and an offense under chapter 12.1-16 if the conduct arises out of the same course of conduct.

3. Venue for an offense under this section is in the county where the death or injury occurred or any county where the controlled substance was directly or indirectly obtained by the deceased or injured individual.
   a. An individual may not be convicted in more than one county for the death or injury of the same individual who overdosed on a controlled substance.
   b. Notwithstanding chapter 29-03, an individual outside the state may be prosecuted within the state under this section.
   c. The charging document for a violation of this section must list an overt act in which the individual engaged to violate this section.
   d. Injury or death by an overdose may be proven by direct or circumstantial evidence.
4. An individual may not be charged under this section if the individual supplied or administered a controlled substance as part of a medical procedure or the individual was in a lawful position to dispense a medication prescription.
   a. An individual may not be charged under this section if the individual complied with section 19-3.1-23.4.
   b. It is not a defense to this section that the deceased or injured individual had other controlled substances or alcohol in the individual's system which the defendant did not supply at the time of an overdose.

19-03.1-23. Prohibited acts - Penalties.

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
   a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony.
   b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
   c. Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
   d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
   a. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
   b. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
   c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
4. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.

5. Except for a prior conviction equivalent to a misdemeanor violation of subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsection 1. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
6. It is unlawful for a person to willfully, as defined in section 12.1-02-02:
   a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
   b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.

   A person who violates this subsection is guilty of a class C felony.
7. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
   b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense. If a person is convicted of a second or subsequent offense not related to marijuana, tetrahydrocannabinol, or a kratom alkaloid derivative under this section or chapter 19-03.2, 19-03.3, or 19-03.4, or an equivalent offense from another court in the United States, the violation is a class C felony.
   c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana, tetrahydrocannabinol, or a kratom alkaloid derivative.
   d. A person who violates this subsection by possessing:
      (1) Marijuana:
         (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
         (b) At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
         (c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
      (2) Tetrahydrocannabinol:
         (a) In an amount less than two grams is guilty of an infraction.
         (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.
         (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
   e. A person who violates this subsection by possessing a kratom alkaloid derivative is guilty of an infraction for a first offense, a class A misdemeanor for a second offense, or a class C felony for a third or subsequent offense.
   f. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.

g. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
h. Probation under this subsection may include placement in another facility, treatment program, treatment court, mental health court, or veterans treatment docket. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
i. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
j. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor. If a person is convicted of a second or subsequent offense not related to marijuana or tetrahydrocannabinol under this section or chapter 19-03.2, 19-03.3, or 19-03.4, or an equivalent offense from another court in the United States, the violation is a class C felony.

8. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation.
9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana or two grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.
10. Upon successful completion of a treatment court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to treatment court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
11. If a person convicted of a misdemeanor under this section is sentenced to treatment court, mental health court, or veterans treatment docket and successfully completes a treatment court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.
12. If an individual under the age of twenty-one pleads guilty or is found guilty of a first offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.

19-03.1-23.1. Increased penalties for aggravating factors in drug offenses - Penalty.

1. A person who violates section 19-03.1-23 is subject to the penalties provided in subsection 2 if:
   a. The offense was committed during a school sponsored activity or was committed during the hours of six a.m. to ten p.m. if school is in session, the offense involved the manufacture, delivery, or possession, with intent to manufacture or deliver a controlled substance in, on, or within three hundred feet [91.4 meters] of the real property comprising a preschool facility, a public or private elementary or

secondary school, or a public career and technical education school, the defendant was at least twenty-one years of age at the time of the offense, and the offense involved the delivery of a controlled substance to a minor;

b. The offense involved the manufacture, delivery, or possession, with intent to manufacture or deliver a controlled substance, other than marijuana or tetrahydrocannabinol, in, on, or within three hundred feet [91.4 meters] of the real property comprising a public park;

c. The offense involved:

(1) Fifty grams or more of a mixture or substance containing a detectable amount of heroin;

(2) Fifty grams or more of a mixture or substance containing a detectable amount of:

(a) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(b) Cocaine, its salts, optical and geometric isomers, and salts of isomers;

(c) Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(d) Any compound, mixture, or preparation that contains any quantity of any of the substance referred to in subparagraphs a through c;

(3) Twenty-eight grams or more of a mixture or substance described in paragraph 2 which contains cocaine base;

(4) Ten grams or more of phencyclidine or one hundred grams or more of a mixture or substance containing a detectable amount of phencyclidine;

(5) One gram, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide;

(6) Forty grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide or ten grams or more of a mixture or substance containing a detectable amount of any analog of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide;

(7) Fifty grams or more of a mixture or substance containing a detectable amount of methamphetamine;

(8) Ten grams, one hundred dosage units, or one-half liquid ounce or more of a mixture or substance containing a detectable amount of 3,4-methylenedioxy-N-methylamphetamine, C11H15NO2;

(9) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of gamma-hydroxybutyrate or gamma-butyrolactone or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate; or

(10) One hundred dosage units or one-half liquid ounce of a mixture or substance containing a detectable amount of flunitrazepam;

d. The defendant had a firearm in the defendant's actual possession at the time of the offense; or

e. The defendant sells, distributes, delivers, or conspires to deliver a controlled substance to an individual which results in the death of the individual due to the use of that controlled substance and the death of the individual would not have occurred in the absence of the defendant's conduct. This subdivision does not apply to an individual who is immune from prosecution under section 19-03.1-23.4.

2. The offense is:

a. A class A felony if the violation of section 19-03.1-23 is designated as a class B felony.

b. A class B felony if the violation of section 19-03.1-23 is designated as a class C felony.

c. A class C felony if the violation of section 19-03.1-23 is designated as a class A misdemeanor.

19-03.1-23.2. Mandatory terms of imprisonment - Deferred or suspended sentence limited.

Repealed by S.L. 2019, ch. 187, § 9.

19-03.1-23.3. Drug currency forfeiture.

1. There is a presumption of forfeiture for money, coin, currency, and everything of value, furnished or intended to be furnished, in exchange for a controlled substance in violation of chapter 19-03.1 or imitation controlled substance in violation of chapter 19-03.2, if the state offers a reasonable basis to believe, based on the following circumstances, that there is a substantial connection between the property and an offense listed in chapter 19-03.1 or 19-03.2:
   a. The property at issue is currency in excess of ten thousand dollars which, at the time of seizure, was being transported through an airport, on a highway, or at a port-of-entry, and the property was packaged or concealed in a highly unusual manner, the person transporting the property provided false information to any law enforcement officer who lawfully stopped the person for investigative purposes, the property was found in close proximity to a measurable quantity of any controlled substance, or the property was the subject of a positive alert by a properly trained dog;
   b. The property at issue was acquired during a period of time when the person who acquired the property was engaged in an offense under chapter 19-03.1 or 19-03.2 or within a reasonable time after the period, and there is no likely source for the property other than that offense;
   c. The property at issue was, or was intended to be, transported, transmitted, or transferred to or from a major drug-transit country, a major illicit drug-producing country, or a major money-laundering country, and the transaction giving rise to the forfeiture:
      (1) Occurred in part in a state or foreign country whose bank secrecy laws render this state unable to obtain records relating to the transaction; or
      (2) Was conducted by, to, or through a corporation that does not conduct any ongoing and significant commercial or manufacturing business or any other form of commercial operation which was not engaged in any legitimate business activity; or
   d. A person involved in the transaction giving rise to the forfeiture action has been convicted in a federal, state, or foreign jurisdiction of an offense equivalent to an offense under chapter 19-03.1 or 19-03.2 or a felony involving money laundering, or is a fugitive from prosecution for any of these offenses.
2. The presumption in this section does not preclude the use of other presumptions or the establishment of probable cause based on criteria other than those set forth in this section.

19-03.1-23.4. Overdose prevention and immunity.

An individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, 19-03.1-22.5, subsection 7 of section 19-03.1-23, subsection 3 of section 19-03.2-03, and section 19-03.4-03 if in good faith that individual seeks medical assistance for another individual in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking

medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.

19-03.1-23.5. Fentanyl reporting - Report to legislative management - Fentanyl awareness campaign.

1. By November first of each year, the department of health and human services shall submit to the legislative management and the governor a written report summarizing the number of deaths that occurred in the state caused by or related to fentanyl consumption during the preceding calendar year, including the county in which the deaths occurred and the age and gender of the deceased individuals.
2. The department of health and human services shall make the data reported under subsection 1 available to the public by:
   a. Making the information easily accessible on the department's government website;
   b. Publishing easily comprehensible printed materials on fentanyl awareness, information, and resources;
   c. Placing visible billboards in high-traffic areas to inform the public of the dangers of fentanyl; and
   d. Developing a media and social media campaign to expand statewide awareness of fentanyl drug deaths and the fentanyl overdose epidemic occurring within the state.

19-03.1-24. Prohibited acts B - Penalties.

1. It is unlawful for any person:
   a. Who is subject to the provisions of sections 19-03.1-15 through 19-03.1-22 to distribute or dispense a controlled substance in violation of section 19-03.1-22;
   b. Who is a registrant, to manufacture a controlled substance not authorized by their registration, or to distribute or dispense a controlled substance not authorized by their registration to another registrant or other authorized person;
   c. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this chapter;
   d. To refuse an entry into any premises for any inspection authorized by this chapter; or
   e. Knowingly to keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter.
2. Any person who violates this section is guilty of a class C felony.

19-03.1-25. Prohibited acts C - Penalties.

1. It is unlawful for any person:
   a. To distribute as a registrant a controlled substance classified in schedule I or II, except pursuant to an order form as required by section 19-03.1-21;
   b. To use in the course of the manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, or issued to another person;
   c. To acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;
   d. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter; or
   e. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the

foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit substance.

2. Any person who violates this section is guilty of a class C felony.

19-03.1-26. Disposing of needles and paraphernalia - Penalty.

Any registrant who shall use, administer, or dispense or cause to be used, administered, or dispensed any drug or controlled substance in a manner requiring the use of any type of syringe, needle, eyedropper, or other similar paraphernalia shall destroy and dispose of said syringe, needle, eyedropper, or other similar paraphernalia in a manner that will prevent its reuse by any person other than the registrant. The board may adopt rules pursuant to chapter 28-32 setting out the specific manner in which the provisions of this section must be carried out. Any registrant who violates the provisions of this section is guilty of a class A misdemeanor.

19-03.1-27. Penalties under other laws.

Any penalty imposed for violation of this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

19-03.1-28. Bar to prosecution.

If a violation of this chapter is a violation of a federal law or the law of another state, a conviction or acquittal under federal law or the law of another state for the same act is a bar to prosecution in this state.

19-03.1-29. Distribution to persons under age eighteen.

Repealed by S.L. 1975, ch. 106, § 673.

19-03.1-30. Conditional discharge for possession as first offense.

Repealed by S.L. 2005, ch. 196, § 4.

19-03.1-31. Second or subsequent offenses.

Repealed by S.L. 1975, ch. 106, § 673.

19-03.1-32. Powers of enforcement personnel - Search warrants.

1. Any officer of the bureau of criminal investigation designated by the attorney general of this state may:
   a. Carry firearms in the performance of official duties.
   b. Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state.
   c. Make arrests without warrant for any offense under this chapter committed in the officer's presence, or if the officer has probable cause to believe that the person to be arrested has committed or is committing a violation of this chapter which may constitute a felony.
   d. Make seizures of property pursuant to this chapter.
   e. Perform other law enforcement duties as the attorney general designates.
2. A search warrant relating to offenses involving controlled substances may be issued and executed at any time of the day or night, if the judge or magistrate issuing the warrant so specifies in the warrant.
3. Any officer authorized to execute a search warrant, without notice of the officer's authority and purpose, may break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or magistrate issuing the warrant has probable cause to believe that if such notice were to be given the property sought in the case may be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it is not required to give such notice. Any officers acting under such warrant, as soon as practicable after entering the premises, shall

identify themselves and state the purpose of entering the premises and the authority for doing so.

19-03.1-33. Administrative inspections and warrants.

1. Issuance and execution of administrative inspection warrants must be as follows:
   a. A district judge within a district judge's jurisdiction, and upon proper oath or affirmation showing probable cause, may issue warrants for the purpose of conducting administrative inspections authorized by this chapter or rules hereunder and seizures of property appropriate to the inspections. For purposes of the issuance of administrative inspection warrants, probable cause exists upon showing a valid public interest in the effective enforcement of this chapter or rules thereunder, sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the warrant.
   b. A warrant may issue only upon an affidavit of a designated officer or employee having knowledge of the facts alleged, sworn to before the judge or magistrate and establishing the grounds for issuing the warrant. If the judge or magistrate is satisfied that grounds for the application exist or that there is probable cause to believe they exist, the judge or magistrate shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of the inspection, and, if appropriate, the type of property to be inspected, if any. The warrant must:
      (1) State the grounds for its issuance and the name of each person whose affidavit has been taken in support thereof;
      (2) Be directed to a person authorized to execute it;
      (3) Command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the property specified;
      (4) Identify the item or types of property to be seized, if any; and
      (5) Direct that it be served during normal business hours and designate the judge or magistrate to whom it shall be returned.
   c. A warrant issued pursuant to this section must be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If property is seized pursuant to a warrant, a copy must be given to the person from whom or from whose premises the property is taken, together with a receipt for the property taken. The return of the warrant must be made promptly, accompanied by a written inventory of any property taken. The inventory must be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory must be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.
   d. The judge or magistrate who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the district court for the county in which the inspection was made.
2. The board may make administrative inspections of controlled premises in accordance with the following provisions:
   a. For purposes of this section only, "controlled premises" means:
      (1) Places where persons registered or exempted from registration requirements under this chapter are required to keep records; and
      (2) Places, including factories, warehouses, establishments, and conveyances in which persons registered or exempted from registration requirements under this chapter are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled substance.

b. When authorized by an administrative inspection warrant issued pursuant to subsection 1, an officer or employee designated by the board, upon presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may enter controlled premises for the purpose of conducting an administrative inspection.
c. When authorized by an administrative inspection warrant, an officer or employee designated by the board may:
   (1) Inspect and copy records required by this chapter to be kept;
   (2) Inspect, within reasonable limits and in a reasonable manner, controlled premises and all pertinent equipment, finished and unfinished material, containers and labeling found therein, and, except as provided in subdivision e, all other things therein, including records, files, papers, processes, controls, and facilities bearing on violation of this chapter; and
   (3) Inventory any stock of any controlled substance therein and obtain samples thereof.
d. This section does not prevent the inspection without a warrant of books and records pursuant to an administrative subpoena issued in accordance with section 28-32-33, nor does it prevent entries and administrative inspections, including seizures of property, without a warrant:
   (1) If the owner, operator, or agent in charge of the controlled premises consents;
   (2) In situations presenting imminent danger to health or safety;
   (3) In situations involving inspection of conveyances if there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;
   (4) In any other exceptional emergency circumstances in which time or opportunity to apply for a warrant is lacking; or
   (5) In all other situations in which a warrant is not constitutionally required.
e. An inspection authorized by this section may not extend to financial data, sales data, other than shipment data, or pricing data unless the owner, operator, or agent in charge of the controlled premises consents in writing.

19-03.1-34. Injunctions.

1. The district courts of this state shall have jurisdiction to restrain or enjoin violations of this chapter.
2. The defendant may demand trial by jury for an alleged violation of an injunction or restraining order under this section.

19-03.1-35. Cooperative arrangements and confidentiality.

1. The board shall cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in controlled substances and in suppressing the abuse of controlled substances. To this end, it may:
   a. Arrange for exchange of information among governmental officials concerning the use and abuse of controlled substances.
   b. Coordinate and cooperate in training programs concerning controlled substance law enforcement at local and state levels.
   c. Cooperate with the bureau by establishing a centralized unit to accept, catalog, file, and collect statistics, including records of drug-dependent persons and other controlled substance law offenders within the state, and make the information available for federal, state, and local law enforcement purposes. It may not furnish the name or identity of a patient or research subject whose identity could not be obtained under subsection 3.
   d. Conduct programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled substances may be extracted.
2. Results, information, and evidence received from the bureau relating to regulatory functions of this chapter, including results of inspections conducted by it, may be relied

and acted upon by the board in the exercise of its regulatory functions under this chapter.

3. A practitioner engaged in medical practice or research is not required or compelled to furnish the name or identity of a patient or research subject to the board nor may the practitioner be compelled in any state or local civil, criminal, administrative, legislative, or other proceedings to furnish the name or identity of an individual that the practitioner is obligated to keep confidential.

19-03.1-36. Forfeitures.

1. The following are subject to forfeiture:
   a. All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter.
   b. All imitation controlled substances as defined by sections 19-03.2-01 and 19-03.2-02.
   c. All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter.
   d. All property which is used, or intended for use, as a container for property described in subdivision a, b, or c.
   e. All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in subdivision a, b, or c, but:
      (1) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter.
      (2) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the owner's knowledge or consent.
      (3) A conveyance is not subject to forfeiture for a violation of subsection 7 of section 19-03.1-23 or subsection 3 of section 19-03.2-03.
      (4) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission.
   f. All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter.
   g. All drug paraphernalia as defined in chapter 19-03.4.
   h. All money, coin, currency, and everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of this chapter or an imitation controlled substance in violation of chapter 19-03.2, and all real and personal property, assets, profits, income, proceeds, or an interest therein, acquired or derived from the unlawful purchase, attempted purchase, delivery, attempted delivery, manufacturing, or attempted manufacturing of any controlled substance or imitation controlled substance.
2. Property subject to forfeiture under this chapter, except conveyances, may be seized by the board upon process issued by any district court having jurisdiction over the property. A conveyance subject to forfeiture under this chapter may be seized by a state, county, or city law enforcement agency upon process issued by any district court having jurisdiction over the conveyance. Seizure without process may be made if:
   a. The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant.
   b. The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceedings based upon this chapter.

c. The board or a law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety.
d. The board or a law enforcement agency has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

3. In the event of seizure pursuant to subsection 2, proceedings under subsection 4 must be instituted promptly.
4. Property taken or detained under this section is not subject to replevin, but is deemed to be in custody of the board or a law enforcement agency subject only to the orders and decrees of the district court having jurisdiction over the forfeiture proceedings as set out in subsection 2. When property is seized under this chapter, the board or a law enforcement agency may:
   a. Place the property under seal.
   b. Remove the property to a place designated by it.
   c. Require the attorney general to take custody of the property and remove it to an appropriate location for disposition in accordance with law.
5. When property is forfeited under this chapter, the board or a law enforcement agency may:
   a. Retain it for official use or transfer the custody or ownership of any forfeited property to any federal, state, or local agency. The board shall ensure the equitable transfer of any forfeited property to the appropriate federal, state, or local law enforcement agency so as to reflect generally the contribution of that agency participating directly in any of the acts that led to the seizure or forfeiture of the property. A decision to transfer the property is not subject to review.
   b. Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds must be used for payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs, with any remaining proceeds to be deposited, subject to section 54-12-14, in the appropriate state, county, or city general fund. When two or more law enforcement agencies are involved in seizing a conveyance, the remaining proceeds may be divided proportionately.
   c. Require the attorney general to take custody of property and remove it for disposition in accordance with law.
   d. Forward it to the bureau for disposition.
   e. Use the property, including controlled substances, imitation controlled substances, and plants forfeited under subsections 6 and 7, in enforcement of this chapter. However, in a case involving the delivery of a forfeited controlled substance by a law enforcement officer or a person acting as an agent of a law enforcement officer, no prosecution or conviction for simple possession of a controlled substance under subsection 5 of section 19-03.1-23 may be based upon the forfeited controlled substances supplied by the law enforcement officer or the officer's agent.
6. Controlled substances as defined in this chapter and imitation controlled substances as defined in chapter 19-03.2 that are possessed, transferred, sold, or offered for sale in violation of this chapter and drug paraphernalia as defined in chapter 19-03.4 are contraband and must be seized and summarily forfeited to the state. Controlled substances as defined in this chapter and imitation controlled substances as defined in chapter 19-03.2, which are seized or come into the possession of the state and drug paraphernalia as defined in chapter 19-03.4, the owners of which are unknown, are contraband and must be summarily forfeited to the state.
7. Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.
8. The failure, upon demand by the board, or its authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are

growing or being stored to produce an appropriate registration, or proof that the person is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

19-03.1-36.1. Manner of forfeiture.

Property subject to forfeiture under this chapter, other than property that may be summarily forfeited, may be forfeited by order of a district court only after:

1. A written consent to forfeiture executed by the owner of the property and all persons with a legal interest in the property to be forfeited has been filed with the court; or
2. Commencement of forfeiture proceedings.

19-03.1-36.2. Forfeiture proceeding as civil action - Standard of proof.

1. Forfeiture proceedings are civil actions against the property to be forfeited and the standard of proof is clear and convincing evidence.
2. Forfeiture proceedings are separate and distinct from any related criminal action, and may not be initiated until the owner of the property has been convicted of or pled guilty to a criminal offense, or the individual has died, fled the jurisdiction, been deported by the United States government, been granted immunity or a reduced sentence in exchange for testifying or assisting a law enforcement investigation or prosecution, has abandoned the property, or it can be established beyond a reasonable doubt the property was used in the commission of a crime or constituted the proceeds of criminal activity. As used in this subsection, "abandoned the property" or "fled the jurisdiction" means for a period of more than one year, the owner has not responded to any of the reasonable efforts made by the seizing agency to contact the owner or has not contacted the seizing agency.
3. Two or more law enforcement agencies and courts from different jurisdictions may coordinate, cooperate, and engage in interjurisdictional prosecution under this section.

19-03.1-36.3. Summons and complaint for forfeiture of property - Contents of complaint - Notice.

When property described in subsection 1 of section 19-03.1-36 is to be forfeited, other than property described in subsection 6 of section 19-03.1-36, and in the absence of a written consent to forfeiture, forfeiture proceedings must be commenced by the filing of a summons and complaint for forfeiture of the property in the district court of the county in which the property was seized, is being held, or is located. In the case of real property, the summons and complaint must be filed in the county in which the real property, or some part of the real property, is located. The proceedings must be brought in the name of the state. The complaint must describe the property, state its location, state its present custodian, state the name of each owner if known, state the name of each party with a legal interest in the property if known or of legal record, allege the essential elements of the violation that is claimed to exist, and must conclude with a prayer to enforce the forfeiture. Notice of the forfeiture proceedings must be given to each known owner and known person with a legal interest in the property to be forfeited by serving a copy of the summons and complaint in accordance with the North Dakota Rules of Civil Procedure. The procedure governing the proceedings, except as otherwise provided in this chapter, is the same as that prescribed for civil proceedings.

19-03.1-36.4. Answer by claimant of property - Time for filing.

Within twenty days after the service of the summons and complaint for forfeiture, the owner of the property to be forfeited and any other person with a legal interest in the property may file an answer claiming an interest in that property and claiming that person's interest is not subject to forfeiture under this chapter.

19-03.1-36.5. Disposition of property if no answer filed.

If at the end of twenty days after the summons and complaint have been served there is no answer filed with the court against the complaint for forfeiture, the court shall order the forfeiture and disposition of the property as prayed for in the complaint.

19-03.1-36.6. Hearing on contested forfeiture - Order releasing or forfeiting property.

1. If an answer is filed within the time limits in this chapter, the forfeiture proceedings must be set for hearing before the court. At the hearing, the state shall establish a valid seizure of the property to be forfeited, and the property meets the requirements of subsection 2 of section 19-03.1-36.2. Following the state's case, any owner or person with a legal interest in the property to be forfeited who has filed an answer to the complaint has the burden of proving that the property to be forfeited is not subject to forfeiture under this chapter. If the court finds that the property is not subject to forfeiture under this chapter, the court shall order the property released to the owner or other person with a legal interest in the property as that person's right, title, or interest appears. The court shall order the property forfeited if it determines that such property or an interest therein is subject to forfeiture.
2. A court ordering property forfeited under subsection 1 may order only the forfeited property or proceeds from the sale of forfeited property to be deposited with a political subdivision if the political subdivision has created a civil asset forfeiture fund. If the political subdivision does not have a civil asset forfeiture fund, any forfeited property and proceeds from the sale of forfeited property must be deposited in the attorney general's asset forfeiture fund.
3. A political subdivision that has a civil asset forfeiture fund shall establish an application process, including eligibility criteria, to accept and process applications from law enforcement agencies within the political subdivision's jurisdiction for an appropriation from the civil asset forfeiture fund.
4. This section does not prohibit the state and a political subdivision from entering an agreement to divide forfeited property and the proceeds from the sale of forfeited property.

19-03.1-36.7. Legal interest in property.

1. A person alleging a bona fide legal interest in property to be forfeited must establish by a preponderance of the evidence that such legal interest existed at the time of seizure or taking of custody of the property. In the case of a claimed bona fide security interest in the property, the person claiming such interest must establish by a preponderance of the evidence that the security interest in the property to be forfeited existed or was of public record at the time of seizure or taking of custody of the property.
2. Upon a determination by the court that property is subject to forfeiture, the owner of the property to be forfeited or any other person with a legal interest in the property may petition the court to determine whether the forfeiture is unconstitutionally excessive.
    a. A vehicle valued at less than two thousand dollars may not be forfeited unless the court finds the vehicle has been modified to conceal contraband or currency.
    b. Real property constituting a homestead may not be forfeited.
    c. In determining whether a forfeiture is excessive, the court shall consider all factors, including the fair market value of the property, the extent to which the owner or person participated in the offense, the extent to which the property was used or received in committing the offense, and the possible penalty that could be imposed for the alleged or committed offense subject to forfeiture.
    d. The court may not consider the value of the property to the state in determining whether the forfeiture is unconstitutionally excessive.

19-03.1-36.8. Reporting.

1. As used in this section, "law enforcement agency" means a nonfederal public agency authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law, including the authority to conduct or engage in seizure and forfeiture of property or to collaborate with a federal agency under federal law to conduct or engage in seizure and forfeiture of property. The term includes a multijurisdictional task force.
2. Every civil forfeiture judgment issued by a district court must be made publicly available and include the following information in the findings of fact:

a. Case number of the forfeiture proceeding and the district court where the case was filed.
b. Location of the seizure, including whether the location was a residence or business or occurred during a traffic stop.
c. The crime with which the suspect was charged.
d. The disposition of the suspect's criminal case.
e. Who filed a claim or counterclaim for the seized property, or whether there was a default in the litigation of the seized property.
f. Date the forfeiture order was issued.
g. Whether a forfeiture settlement agreement was reached.
h. The date and the final disposition of the property.
i. Estimated value of the forfeited property.
j. Estimate of the total costs accrued by the law enforcement agency for storage and disposal of the civilly forfeited property.
k. Amount of any attorney fees awarded to owners of seized and forfeited property.

3. Annually, any law enforcement agency that seizes property shall provide to the attorney general a completed civil asset forfeiture case report form for every seizure and the total value of the forfeited property held by the agency at the end of the reporting period.
4. By November first of each year, the attorney general shall submit to the legislative management and the governor a written report summarizing activity in the state for the preceding fiscal year, the type, approximate value, and disposition of any civilly forfeited property, and the amount of proceeds received.
   a. Summary data and civilly forfeited property must be disaggregated by agency.
   b. The attorney general shall make the report available on the attorney general's website.
   c. The report must include the case reports provided by the law enforcement agencies.
5. The attorney general may recover any costs under this section by withdrawing money from the asset forfeiture fund.
6. A law enforcement agency may use forfeiture proceeds to pay the costs of compiling and reporting data under this section.
7. The data and reports compiled under this section are public information and not exempt from disclosure.
8. The attorney general may require the reporting of additional information not specified in this section. The attorney general shall develop standard forms, processes, and deadlines for annual submission of forfeiture data by law enforcement agencies.
9. If a law enforcement agency fails to file a report within thirty days after the report is due, the attorney general may compel compliance by any means until the report is filed.
10. Any property seized with a value of less than fifty dollars is not required to be included in the written report submitted by the attorney general.
11. A state's attorney may establish a minimum value amount for seizures in the interests of justice and efficient use of governmental resources in the state's attorney's jurisdiction. The minimum value amount may be based on the state's attorney's determination of the:
    a. Type and number of occurrences of offenses that include the seizure of property; and
    b. Average value of seized property less the costs to seize and forfeit the property.

19-03.1-37. Burden of proof - Liabilities.

1. It is not necessary for the state to negate any exemption or exception in this chapter in any complaint, information, indictment, or other pleading or in any trial, hearing, or other proceeding under this chapter. The burden of proof of any exemption or exception is upon the person claiming it.

2. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this chapter, the person is presumed not to be the holder of the registration or form. The burden of proof is upon the person to rebut the presumption.
3. No liability is imposed by this chapter upon any authorized state, county, or municipal officer engaged in the lawful performance of the officer's duties.
4. In all prosecutions under this chapter, chapter 19-03.2, or chapter 19-03.4 involving the analysis of a substance or sample thereof, a certified copy of the analytical report signed by the director of the state crime laboratory or the director's designee, or electronically posted by the director of the state crime laboratory or the director's designee on the crime laboratory information management system and certified by a law enforcement officer or individual who has authorized access to the crime laboratory information management system through the criminal justice data information sharing system, must be accepted as prima facie evidence of the results of the analytical findings.
5. Superseded by N.D.R.Ev., Rule 707.
6. In all cases of conspiracy to violate chapter 19-03.1, 19-03.2, or 19-03.4, the state is not required to prove or establish that a conspirator knew the other person to the agreement intended to deliver or possess with intent to deliver a controlled substance, an imitation controlled substance, or drug paraphernalia to a third person.

19-03.1-38. Judicial review.

All final determinations, findings, and conclusions of the board under this chapter are final and conclusive decisions of the matters involved. Any person aggrieved by the decision may obtain review of the decision in the district court. Findings of fact by the board, if supported by substantial evidence, are conclusive.

19-03.1-39. Education and research.

1. The board shall carry out educational programs designed to prevent and deter misuse of controlled substances. In connection with these programs it may:
   a. Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations.
   b. Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances.
   c. Consult with interested groups and organizations to aid them in solving administrative and organizational problems.
   d. Evaluate procedures, projects, techniques, and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances.
   e. Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to combat them.
   f. Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances.
2. The board shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of this chapter, it may:
   a. Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse.
   b. Make studies and undertake programs of research to:
      (1) Develop new or improved approaches, techniques, systems, equipment, and devices to strengthen the enforcement of this chapter.
      (2) Determine patterns of misuse and abuse of controlled substances and the social effects thereof.
      (3) Improve methods for preventing, predicting, understanding, and dealing with the misuse and abuse of controlled substances.

c. Enter contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations, or special projects which bear directly on misuse and abuse of controlled substances.

3. The board may enter into contracts for educational and research activities without performance bonds and without regard to statutory provisions affecting such contracts.
4. The board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subjects of the research. Persons who obtain this authorization are not compelled in any civil, criminal, administrative, legislative, or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.
5. The board may authorize the possession and distribution of controlled substances by persons engaged in research. Persons who obtain this authorization are exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization.

19-03.1-40. Pending proceedings.

Repealed by S.L. 1985, ch. 262, § 27.

19-03.1-41. Continuation of rules.

Any orders and rules promulgated under any law affected by this chapter in effect on July 1, 1971, and not in conflict with it continue in effect until modified, superseded, or repealed.

19-03.1-42. Uniformity of interpretation.

Repealed by S.L. 1983, ch. 82, § 154.

19-03.1-43. Short title.

This chapter may be cited as the Uniform Controlled Substances Act.

19-03.1-44. Comprehensive status and trends report.

Repealed by S.L. 2017, ch. 366, § 6.

19-03.1-45. Drug abuse assessment and treatment - Presentence investigation - Certified drug abuse treatment programs.

1. If a person has pled guilty or has been found guilty of a felony violation of subsection 7 of section 19-03.1-23, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, the court shall impose a period of probation up to the length authorized under section 12.1-32-06.1 with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.
2. Upon a plea or finding of guilt of a person subject to subsection 1, the court shall order a presentence investigation to be conducted by the department. The presentence investigation must include a drug and alcohol evaluation conducted by a licensed addiction counselor.
3. If the licensed addiction counselor recommends treatment, the court shall require the person to participate in an addiction program licensed by the department of health and human services as a condition of the probation. The court shall commit the person to treatment through a licensed addiction program until determined suitable for discharge by the court. The term of treatment may not exceed eighteen months and may include an aftercare plan. During the commitment and while subject to probation, the department shall supervise the person.
4. If the person fails to participate in, or has a pattern of intentional conduct that demonstrates the person's refusal to comply with or participate in the treatment

program, as established by judicial finding, the person is subject to revocation of the probation. Notwithstanding subsection 2 of section 12.1-32-02, the amount of time participating in the treatment program under this section is not "time spent in custody" and will not be a credit against any sentence to term of imprisonment.

5. In this section:
   a. "Department" means the department of corrections and rehabilitation; and
   b. "Licensed addiction counselor" is a person licensed pursuant to section 43-45-05.1.

19-03.1-46. Bail - Additional conditions of release.

A court shall impose as a condition of release or bail that an individual who has been arrested upon a felony violation of this chapter or chapter 19-03.4 not use a controlled substance without a valid prescription from a licensed medical practitioner and that the individual submit to a medical examination or other reasonable random testing for the purpose of determining the person's use of a controlled substance. The court shall order the frequency of the random testing and the location at which random testing must occur. The court shall provide notice to the selected provider of the required examination or testing. The provider shall notify the court if the individual fails to appear for the examination or testing. The testing must be at the individual's own cost. Submission of an individual to a medical examination or other reasonable random testing as a condition for release is not required if the court makes a specific finding on the record that:

1. The individual has not been arrested for a felony offense relating to the use, possession, manufacture, or delivery of methamphetamine;
2. The individual will appear as required by the court and will comply with all conditions of release without submission to an examination or testing; and
3. Not imposing examination or testing as a condition of release will pose no danger to the individual or to the community.