

**Sixty-first Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 6, 2009**

HOUSE BILL NO. 1105  
(Judiciary Committee)  
(At the request of the State Board of Pharmacy)

AN ACT to amend and reenact subsections 3 and 5 of section 19-03.1-07, subsection 7 of section 19-03.1-09, and subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsections 3 and 5 of section 19-03.1-07 of the North Dakota Century Code are amended and reenacted as follows:

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, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone and their respective salts, but including the following:
    - (1) ~~Raw opium~~ Codeine.
    - (2) ~~Opium extracts~~ Dihydroetorphine.
    - (3) ~~Opium fluid extracts~~ Ethylmorphine.
    - (4) ~~Powdered opium~~ Etorphine hydrochloride.
    - (5) Granulated opium.
    - (6) ~~Tincture of opium~~ Hydrocodone.
    - (7) ~~Codeine~~ Hydromorphone.
    - (8) Ethylmorphine Metopon.
    - (9) ~~Etorphine hydrochloride~~ Morphine.
    - (10) ~~Hydrocodone~~ Opium extracts.
    - (11) ~~Hydromorphone~~ Opium fluid.
    - (12) ~~Metopon~~ Oripavine.
    - (13) ~~Morphine~~ Oxycodone.
    - (14) ~~Oxycodone~~ Oxymorphone.
    - (15) ~~Oxymorphone~~ Powder opium.
    - (16) ~~Thebaine~~ Raw opium.
    - (17) Thebaine.

(18) 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).
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.
  - e. d. Phenmetrazine and its salts.
  - d. e. Methylphenidate.

**SECTION 2. AMENDMENT.** Subsection 7 of section 19-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

7. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following anabolic steroids:
- a. 3beta,17-dihydroxy-5a-androstane;
  - b. 3alpha,17beta-dihydroxy-5a-androstane;
  - c. 5alpha-androstan-3,17-dione;
  - d. 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
  - e. 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
  - f. 4-androstenediol (3beta,17beta-dihydroxy-4-ene);
  - g. 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
  - h. 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
  - i. 4-androstenedione (androst-4-en-3,17-dione);
  - j. 5-androstenedione (androst-5-en-3,17-dione);
  - k. Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

- l. Boldenone (17beta-hydroxyandrost-1,4,-diene-3-one);
- m. Boldione (androst-1,4-diene-3,17-dione);
- n. Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- o. Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);
- p. Dehydrochloromethyltestosterone  
(4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
- q. Delta-1-dihydrotestosterone (also known as '1-testosterone')  
(17beta-hydroxy-5alpha-androst-1-en-3-one);
- r. Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17ol) (also known as madol);
- s. 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);
- t. Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
- u. Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
- v. Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,  
17beta-dihydroxyandrost-4-en-3-one);
- w. Formebolone (2-formyl-17alpha-methyl-11alpha,  
17beta-dihydroxyandrost-1,4-dien-3-one);
- x. Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
- y. 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
- z. 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
- aa. 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
- ab. Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);
- ac. Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
- ad. Methandienone (17alpha-methyl-17beta-dihydroxyandrost-1,4-dien-3-one);
- ae. Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
- af. Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);
- ag. 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
- ah. 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
- ai. 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene;
- aj. 17alpha-methyl-4-hydroxynandrolone  
(17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
- ak. Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
- al. Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9(11)-trien-3-one);
- am. Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
- an. Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

- ~~mm.~~ oo. 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as '17-alpha-methyl-1-testosterone');
- ~~nn.~~ pp. Nandrolone (17beta-hydroxyestr-4-en-3-one);
- ~~oo.~~ qq. 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
- ~~pp.~~ rr. 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
- ~~qq.~~ ss. 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
- ~~rr.~~ tt. 19-nor-5-androstenediol (3alpha,17-beta-dihydroxyester-5-ene);
- ~~ss.~~ uu. 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- vv. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- ~~tt.~~ ww. 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- ~~uu.~~ xx. Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
- ~~vv.~~ yy. Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
- ~~ww.~~ zz. Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);
- ~~xx.~~ aaa. Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
- ~~yy.~~ bbb. Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androst-3-one);
- ~~zz.~~ ccc. Oxymesterone (17alpha-methyl-4-17beta-dihydroxyandrost-4-en-3-one);
- ~~aaa.~~ ddd. Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy [5alpha]-androst-3-one);
- ~~bbb.~~ eee. Stanozolol (17alpha-methyl-17beta-hydroxy[5alpha]-androst-2-eno[3,2-c]-pyrazole);
- ~~eee.~~ fff. Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
- ~~ddd.~~ ggg. Testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);
- ~~eee.~~ hhh. Testosterone (17beta-hydroxyandrost-4-en-3-one);
- ~~fff.~~ iii. Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);
- ~~ggg.~~ jjj. Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);

or any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth.

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.

**SECTION 3. AMENDMENT.** Subsection 4 of section 19-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

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. Barbitol.
- c. Bromazepam.
- d. Butorphanol.
- e. Camazepam.
- f. Chloral betaine.
- g. Chloral hydrate.
- h. Chlordiazepoxide.
- i. Clobazam.
- j. Clonazepam.
- k. Clorazepate.
- l. Clotiazepam.
- m. Cloxazolam.
- n. Delorazepam.
- o. Diazepam.
- p. Dichloralphenazone.
- q. Estazolam.
- r. Ethchlorvynol.
- s. Ethinamate.
- t. Ethyl loflazepate.
- u. Fludiazepam.
- v. Flurazepam.
- w. Halazepam.
- x. Haloxazolam.
- y. Indiplon.
- z. Ketazolam.
- ~~z~~: aa. Loprazolam.
- ~~aa~~: bb. Lorazepam.
- ~~bb~~: cc. Lormetazepam.
- ~~cc~~: dd. Mebutamate.

<del>dd.</del>	<u>ee.</u>	Medazepam.
<del>ee.</del>	<u>ff.</u>	Meprobamate.
<del>ff.</del>	<u>gg.</u>	Methohexital.
<del>gg.</del>	<u>hh.</u>	Methylphenobarbital (also known as mephobarbital).
<del>hh.</del>	<u>ii.</u>	Midazolam.
<del>ii.</del>	<u>jj.</u>	Nimetazepam.
<del>jj.</del>	<u>kk.</u>	Nitrazepam.
<del>kk.</del>	<u>ll.</u>	Nordiazepam.
<del>ll.</del>	<u>mm.</u>	Oxazepam.
<del>mm.</del>	<u>nn.</u>	Oxazolam.
<del>nn.</del>	<u>oo.</u>	Paraldehyde.
<del>oo.</del>	<u>pp.</u>	Petrichloral.
<del>pp.</del>	<u>qq.</u>	Phenobarbital.
<del>qq.</del>	<u>rr.</u>	Pinazepam.
<del>rr.</del>	<u>ss.</u>	Prazepam.
<del>ss.</del>	<u>tt.</u>	Quazepam.
<del>tt.</del>	<u>uu.</u>	Temazepam.
<del>uu.</del>	<u>vv.</u>	Tetrazepam.
<del>vv.</del>	<u>ww.</u>	Triazolam.
<del>ww.</del>	<u>xx.</u>	Zaleplon.
<del>xx.</del>	<u>yy.</u>	Zolpidem.
<del>yy.</del>	<u>zz.</u>	Zopiclone.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-first Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1105.

House Vote:      Yeas    93      Nays    0      Absent    1

Senate Vote:    Yeas    46      Nays    0      Absent    1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2009,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State