House Bill 783
By: Representatives Broadrick of the 4th, Harden of the 148th, Parrish of the 158th, and Hawkins of the 27th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedules I and IV controlled substances; to change certain provisions relating to the definition of dangerous drug; to provide for restricted dangerous drugs; to provide for penalties for certain violations relating to restricted dangerous drugs and nonprescription injectable insulin; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended in Code Section 16-13-25, relating to Schedule I controlled substances, by adding new subparagraphs to paragraph (3) to read as follows:

*(BBBB) Methoxyphencyclidine (MeO-PCP);
(CCCC) 4-hydroxy-N-methyl-N-isopropyltryptamine (4-OH-MiPT);
(DDDD) N,α-dimethyl-5-benzofuranethanamine (5-MAPB);*

SECTION 2.
Said chapter is further amended in Code Section 16-13-25, relating to Schedule I controlled substances, by revising paragraph (12) as follows:

*(12) Any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation:
(A) Naphthoylindoles;*
(B) Naphthylmethylindoles;
(C) Naphthoylpyrroles;
(D) Naphthylideneindenes;
(E) Phenylacetylindoles;
(F) Cyclohexylphenols;
(G) Benzoylindoles;
(H) Tricyclic benzopyrans;
(I) Adamantoylindoles;
(J) Indazole amides;
(K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN 55,212-2);
(L) Any compound, unless specifically excepted or listed in this or another schedule, 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:
(i) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the ring system;
(ii) By substitution at the 3-position with an acyclic alkyl substitution; or
(iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2- amino nitrogen atom in a cyclic structure;
(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
(M) (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl) methanone (UR-144) Indole carboxamides;
(N) [1-(5-fluoropentyl)indole-3yl] (2,2,3,3-tetramethylecyclopropyl) methanone (XLR11) Indole carboxylates;
(O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);
(P) [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl] (2,2,3,3-tetramethylecyclopropyl) methanone (A-796,260) Indazole carboxylates;
(Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);
(R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);
(S) 1-pentyl-3-(1-adamantylamido)indole—(2NE1) Indole tetramethylcyclopropanecarbonyls;
(T) 1-(5-fluoropentyl)-N-(tricyclo[3.3.1.7]dec-1-y1)-1H-indole-3-carboxamide (STS-135) Naphthylbenzimidazoles;
(U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13);
Said chapter is further amended by revising Code Section 16-13-28, relating to Schedule IV controlled substances, as follows:

"16-13-28. (a) The controlled substances listed in this Code section are included in Schedule IV. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specified chemical designation, included as having a stimulant or depressant effect on the central nervous system or a hallucinogenic effect:

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\begin{align*}
(V) & \quad \text{N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide (NNEI);} \\
(W) & \quad \text{(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBCA);} \\
(X) & \quad \text{(1-(5-fluoropentyl)-1H-benzimidazol-2-yl)(naphthalen-1-yl)methanone (AM-2201 benzimidazole analog);} \\
(Y) & \quad \text{Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);} \\
(Z) & \quad \text{Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);} \\
(AA) & \quad \text{(1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (FUB-144);} \\
(CC) & \quad \text{N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5-fluoro-ABICA);} \\
(DD) & \quad \text{1-naphthalenyl(1-pentyl-1H-indazol-3-yl)methanone (THJ 018).} \\
\end{align*}
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(5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

(5.1) Clobazam;

(6) Clonazepam Reserved;

(7) Clorazepate;

(7.1) Clotiazepam;

(7.2) Cloxazolam;

(7.3) Delorazepam;

(8) Desmethyldiazepam Reserved;

(8.5) Dexfenfluramine;

(9) Reserved;

(10) Diazepam Reserved;

(11) Diethylpropion;

(11.05) Difenoxin;

(11.1) Estazolam;

(11.5) Eluxadoline;

(12) Ethchlorvynol;

(13) Ethinamate;

(13.1) Ethyl loflazepate;

(13.15) Etizolam;

(13.2) Fencamfamin;

(14) Fenfluramine;

(14.1) Flunitrazepam;

(14.2) Fenproporex;

(15) Flurazepam;

(15.3) Fospropofol;

(16) Halazepam;

(16.1) Haloxazolam;

(16.15) Indiplon;

(16.2) Ketazolam;

(16.3) Lometazepam;

(16.4) Loprazolam;

(17) Lorazepam;

(17.5) Lorcaserin;

(18) Mazindol;

(19) Mebutamate;
(19.1) Medazepam;
(19.2) Mefenorex;
(20) Meprobamate;
(21) Methohexital;
(22) Methylphenobarbital;
(22.1) Midazolam;
(22.15) Modafinil;
(22.2) Nimetazepam;
(22.3) Nitrazepam;
(22.4) Nordiazepam;
(23) Oxazepam Reserved;
(23.1) Oxazolam;
(24) Paraldehyde;
(25) Pemoline;
(26) Pentazocine;
(27) Petrichloral;
(27.5) Phenazepam;
(28) Phenobarbital;
(29) Phentermine;
(29.1) Pipradrol;
(30) Prazepam;
(30.03) Propofol;
(30.05) Propoxyphene (including all salts and optical isomers);
(30.07) Pyrazolam;
(30.1) Quazepam;
(30.2) Sibutramine;
(30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
(30.5) Suvorexant;
(31) Temazepam Reserved;
(31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of these isomers];
(32) Triazolam;
(32.5) Zaleplon;
(33) Zolpidem;
(34) Zopiclone.

(b) The controlled substances in the benzodiazepine structural class include any of the following compounds, derivatives, their salts, isomers, or salts of isomers, halogen
analogues, or homologues, unless specifically utilized as part of the manufacturing process by a commercial industry of a substance or material not intended for human ingestion or consumption, as a prescription administered under medical supervision, or for research at a recognized institution, whenever the existence of these salts, isomers, or salts of isomers, halogen analogues, or homologues is possible within the specific chemical designation or unless specifically excepted or listed in this or another schedule, structurally derived from 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring system (which may itself be further substituted), whether or not the compound is further modified in any of the following ways:

1. By substitution at the 2-position with a ketone;
2. By substitution at the 3-position with a hydroxyl group;
3. By a fused triazole ring at the 1,2-position, which itself may be further substituted;
4. By a fused imidazole ring at the 1,2-position, which itself may be further substituted;
5. By a fused oxazole ring at the 4,5-position, which itself may be further substituted;
6. By a fused oxazine ring at the 4,5-position, which itself may be further substituted;
7. By substitution at the 7-position with a nitro group; or
8. By substitution at the 7-position with a halogen group.

(b) The State Board of Pharmacy may except by rule any compound, mixture, or preparation containing any depressant, stimulant, or hallucinogenic substance listed in subsection (a) or (b) of this Code section from the application of all or any part of this article if the compound, mixture, or preparation contains one or more active, medicinal ingredients not having a depressant or stimulant 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 or stimulant effect on the central nervous system."

SECTION 4.
Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by revising paragraphs (115.3), (323), (562), and (563) of subsection (b) as follows:

"(115.3) Budesonide — See exceptions;"
"(323) Doxylamine succinate;"
"(562) Meprednisone Mepivacaine;"
"(563) Mepivacaine Meprednisone;"
SECTION 5.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding new paragraphs to subsection (b) to read as follows:

(19.57) Alectinib;
(19.76) Alirocumab;
(66.7) Asfotase;
(69.2) Avibactam;
(107.2) Brexpaprazole;
(131.5) Cangrelor;
(143.5) Cariprazine;
(190.3) Cholic Acid;
(207.7) Cobimetinib;
(236.5) Daclatasvir;
(240.4) Daratumumab;
(243.7) Deferiprone;
(247.8) Deoxycholic Acid;
(295.5) Dinutuximab;
(330.7) Edoxaban;
(331.059) Elotuzumab;
(331.063) Eluxadoline;
(380.4) Evolocumab;
(386.1) Filgrastim-SNDZ;
(387.7) Flibanserin;
(464.15) Idarucizumab;
(474.3) Insulin degludec;
(495.5) Isavuconazonium;
(506.72) Ivabradine;
(506.95) Ixazomib;
(513.74) Lenvatinib;
(513.77) Lesinurad;
(531.4) Lumacaftor;
(562.5) Mepolizumab;
(638.47) Necitumumab;
(665.55) Osimertinib;
(681.35) Palbociclib;
(685.65) Panobinostat;
(692.29) Patiromer;
"(844.8) Rolapitant;"
"(849.7) Sacubitril;"
"(852.05) Sebelipase;"
"(852.4) Secukinumab;"
"(853.7) Selexipag;"
"(882.3) Sonidegib;"
"(903.17) Sugammadex;"
"(930.98) Talimogene;"
"(967.56) Tipiracil;"
"(973.6) Trabectedin;"
"(1021.1) Uridine;"

SECTION 6.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new subsection to read as follows:

“(b.1) In addition to subsections (a) and (b) of this Code section, a restricted dangerous drug list is created which means any other drug or substance declared by the General Assembly to have no medical use, which cannot be legally prescribed by a practitioner, and which cannot be manufactured, grown, produced, distributed, used, or otherwise possessed in this state; to include any of the following drugs, chemicals, or substances; salts, isomers, esters, ethers, or derivatives of such drugs, chemicals, or substances which have essentially the same pharmacological action; and all other salts, isomers, esters, ethers, and compounds of such drugs, chemicals, or substances unless specifically exempted, identified as restricted dangerous drugs:

(1) Mitragynine;
(2) 7-hydroxymitragynine;
(3) Genus Mitragyna;
(4) Salvinorin A; and
(5) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code Section 16-13-72.”

SECTION 7.

Said chapter is further amended in Code Section 16-13-71, relating to the definition of a dangerous drug, by adding a new paragraph to subsection (c) to read as follows:

“(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;”
SECTION 8.

Said chapter is further amended by revising Code Section 16-13-79, relating to violations of the "Dangerous Drug Act," as follows:

"16-13-79.

(a) Except as provided in subsections (b), (c), and (d), (e), and (f) of this Code section, any person who violates this article shall be guilty of a misdemeanor.

(b) Any person who distributes or possesses with the intent to distribute nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed $5,000.00 or both.

(c) Any person who distributes or possesses with the intent to distribute to any person under 18 years of age nitrous oxide for any use other than for a medical treatment prescribed by the order of a licensed medical practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished for not less than two years nor more than six years or by a fine not to exceed $10,000.00 or both.

(d) This article shall not apply to any person who possesses, distributes, sells, or uses nitrous oxide for food preparation in a restaurant, for food service, or in household products.

(e) Any person who manufactures, grows, produces, distributes, uses, or otherwise possesses or who possesses with the intent to distribute to any person a restricted dangerous drug as defined in subsection (b.1) of Code Section 16-13-71 shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not more than two years or by a fine not to exceed $2,000.00 or both.

(f) Any person who knowingly distributes or resells any nonprescription injectable insulin product which was first obtained through an over-the-counter sale made to a patient from any pharmacy, practitioner, or other source shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment for not less than two years nor more than five years or by a fine not to exceed $10,000.00 or both. All such injectable insulin distributed or sold in this manner is considered to be an adulterated dangerous drug and unsalable, making it subject to seizure under the laws of this state."

SECTION 9.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 10.

All laws and parts of laws in conflict with this Act are repealed.