

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

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

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

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

15 **SECTION 2.**

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

18 "(12) Any of the following compounds, derivatives, their salts, isomers, or salts of
19 isomers, halogen analogues, or homologues, unless specifically utilized as part of the
20 manufacturing process by a commercial industry of a substance or material not intended
21 for human ingestion or consumption, as a prescription administered under medical
22 supervision, or research at a recognized institution, whenever the existence of these salts,
23 isomers, or salts of isomers, halogen analogues, or homologues is possible within the
24 specific chemical designation:

25 (A) Naphthoylindoles;

- 26 (B) Naphthylmethyloindoles;
- 27 (C) Naphthoylpyrroles;
- 28 (D) Naphthylideneindenes;
- 29 (E) Phenylacetyloindoles;
- 30 (F) Cyclohexylphenols;
- 31 (G) Benzoyloindoles;
- 32 (H) Tricyclic benzopyrans;
- 33 (I) Adamantoyloindoles;
- 34 (J) Indazole amides;
- 35 (K) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin
- 36 -6-yl]-1-naphthalenylmethanone (WIN 55,212-2);
- 37 (L) Any compound, unless specifically excepted or listed in this or another schedule,
- 38 structurally derived from 2-aminopropan-1-one by substitution at the 1-position with
- 39 either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is
- 40 further modified in any of the following ways:
- 41 (i) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy,
- 42 haloalkyl, hydroxyl, or halide substitutions, whether or not further substituted in the
- 43 ring system;
- 44 (ii) By substitution at the 3-position with an acyclic alkyl substitution; or
- 45 (iii) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 46 methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic
- 47 structure;
- 48 ~~(L.1) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);~~
- 49 (M) ~~(1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl) methanone (UR-144)~~ Indole
- 50 carboxamides;
- 51 (N) ~~[1-(5-fluoropentyl)indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl) methanone~~
- 52 ~~(XLR11)~~ Indole carboxylates;
- 53 (O) [1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester (URB602);
- 54 (P) ~~[1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)~~
- 55 ~~methanone (A-796,260)~~ Indazole carboxylates;
- 56 (Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);
- 57 (R) 6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one (URB754);
- 58 (S) ~~1-pentyl-3-(1-adamantylamido)indole (2NE1)~~ Indole
- 59 tetramethylcyclopropanecarbonyls;
- 60 (T) ~~1-(5-fluoropentyl)-N-(tricyclo[3.3.1.1^{3,7}]dec-1-yl)-1H-indole-3-carboxamide~~
- 61 ~~(STS-135)~~ Naphthylbenzimidazoles;
- 62 (U) 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone (CB-13);

- 63 (V) ~~N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide (NNEI);~~
 64 ~~Naphthoylindazoles.~~
 65 ~~(W) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide~~
 66 ~~(ADBICA);~~
 67 ~~(X) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone~~
 68 ~~(AM-2201 benzimidazole analog);~~
 69 ~~(Y) Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22);~~
 70 ~~(Z) Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22);~~
 71 ~~(AA) Naphthalene-1-yl-1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);~~
 72 ~~(BB) (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone~~
 73 ~~(FUB-144);~~
 74 ~~(CC) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carbox~~
 75 ~~amide (5-fluoro-ABICA);~~
 76 ~~(DD) 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone (THJ 018)."~~

77 **SECTION 3.**

78 Said chapter is further amended by revising Code Section 16-13-28, relating to Schedule IV
 79 controlled substances, as follows:

80 "16-13-28.

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

87 ~~(0.5) Alfaxalone;~~

88 (1) ~~Alprazolam~~ Alfaxalone;

89 (1.5) Armodafinil;

90 (2) Barbital;

91 (2.1) ~~Bromazepam~~ Reserved;

92 (2.15) Butorphanol;

93 ~~(2.2) Camazepam;~~

94 (2.25) Carisoprodol;

95 (2.3) Cathine;

96 (3) Chloral betaine;

97 (4) Chloral hydrate;

- 98 (5) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and
 99 clidinium bromide) or menrium (chlordiazepoxide and water soluble esterified
 100 estrogens);
 101 (5.1) Clobazam;
 102 (6) ~~Clonazepam~~ Reserved;
 103 ~~(7) Clorazepate~~;
 104 ~~(7.1)(7)~~ Clotiazepam;
 105 ~~(7.2) Cloxazolam~~;
 106 ~~(7.3) Delorazepam~~;
 107 (8) ~~Desmethyldiazepam~~ Reserved;
 108 (8.5) Dexfenfluramine;
 109 (9) Reserved;
 110 (10) ~~Diazepam~~ Reserved;
 111 (11) Diethylpropion;
 112 (11.05) Difenoxin;
 113 ~~(11.1) Estazolam~~;
 114 (11.5) Eluxadoline;
 115 (12) Ethchlorvynol;
 116 (13) Ethinamate;
 117 ~~(13.1) Ethyl loflazepate~~;
 118 (13.15) Etizolam;
 119 (13.2) Fencamfamin;
 120 (14) Fenfluramine;
 121 ~~(14.1) Flunitrazepam~~;
 122 (14.2) Fenproporex;
 123 ~~(15) Flurazepam~~;
 124 ~~(15.3)(15)~~ Fospropofol;
 125 ~~(16) Halazepam~~;
 126 ~~(16.1) Haloxazolam~~;
 127 ~~(16.15)(16)~~ Indiplon;
 128 ~~(16.2) Ketazolam~~;
 129 ~~(16.3) Lometazepam~~;
 130 ~~(16.4) Loprazolam~~;
 131 ~~(17) Lorazepam~~;
 132 ~~(17.5)(17)~~ Lorcaserin;
 133 (18) Mazindol;
 134 (19) Mebutamate;

- 135 ~~(19.1) Medazepam;~~
 136 (19.2) Mefenorex;
 137 (20) Meprobamate;
 138 (21) Methohexital;
 139 (22) Methylphenobarbital;
 140 ~~(22.1) Midazolam;~~
 141 ~~(22.15)~~(22.1) Modafinil;
 142 ~~(22.2) Nimetazepam;~~
 143 ~~(22.3) Nitrazepam;~~
 144 ~~(22.4) Nordiazepam;~~
 145 (23) ~~Oxazepam~~ Reserved;
 146 ~~(23.1) Oxazolam;~~
 147 (24) Paraldehyde;
 148 (25) Pemoline;
 149 (26) Pentazocine;
 150 (27) Petrichloral;
 151 ~~(27.5) Phenazepam;~~
 152 (28) Phenobarbital;
 153 (29) Phentermine;
 154 (29.1) Pipradrol;
 155 ~~(30) Prazepam;~~
 156 ~~(30.03)~~(30) Propofol;
 157 (30.05) Propoxyphene (including all salts and optical isomers);
 158 (30.07) Pyrazolam;
 159 ~~(30.1) Quazepam;~~
 160 (30.2) Sibutramine;
 161 (30.3) SPA (-)-1-dimethylamino-1, 2-diphenylethane;
 162 (30.5) Suvorexant;
 163 (31) ~~Femazepam~~ Reserved;
 164 (31.5) Tramadol [2-((dimethylamino)methyl)-1-(3-methoxyphenyl)cyclohexanol, its
 165 salts, optical and geometric isomers, and salts of these isomers];
 166 ~~(32) Triazolam;~~
 167 ~~(32.5)~~(32) Zaleplon;
 168 (33) Zolpidem;
 169 (34) Zopiclone.
 170 (b) The controlled substances in the benzodiazepine structural class include any of the
 171 following compounds, derivatives, their salts, isomers, or salts of isomers, halogen

172 analogues, or homologues, unless specifically utilized as part of the manufacturing process
 173 by a commercial industry of a substance or material not intended for human ingestion or
 174 consumption, as a prescription administered under medical supervision, or for research at
 175 a recognized institution, whenever the existence of these salts, isomers, or salts of isomers,
 176 halogen analogues, or homologues is possible within the specific chemical designation or
 177 unless specifically excepted or listed in this or another schedule, structurally derived from
 178 1,4-benzodiazepine by substitution at the 5-position with a phenyl ring system (which may
 179 itself be further substituted), whether or not the compound is further modified in any of the
 180 following ways:

- 181 (1) By substitution at the 2-position with a ketone;
- 182 (2) By substitution at the 3-position with a hydroxyl group;
- 183 (3) By a fused triazole ring at the 1,2- position, which itself may be further substituted;
- 184 (4) By a fused imidazole ring at the 1,2- position, which itself may be further substituted;
- 185 (5) By a fused oxazole ring at the 4,5- position, which itself may be further substituted;
- 186 (6) By a fused oxazine ring at the 4,5- position, which itself may be further substituted;
- 187 (7) By substitution at the 7-position with a nitro group; or
- 188 (8) By substitution at the 7-position with a halogen group.

189 ~~(b)~~(c) The State Board of Pharmacy may except by rule any compound, mixture, or
 190 preparation containing any depressant, stimulant, or hallucinogenic substance listed in
 191 subsection (a) or (b) of this Code section from the application of all or any part of this
 192 article if the compound, mixture, or preparation contains one or more active, medicinal
 193 ingredients not having a depressant or stimulant effect on the central nervous system, and
 194 if the admixtures are included therein in combinations, quantity, proportion, or
 195 concentration that vitiate the potential for abuse of the substances which have a depressant
 196 or stimulant effect on the central nervous system."

197 SECTION 4.

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

- 201 "(115.3) Budesonide — See exceptions;"
- 202 "(323) Doxylamine ~~succinate;~~"
- 203 "(562) ~~Meprednisone~~ Mepivacaine;
- 204 (563) ~~Mepivacaine~~ Meprednisone;"

205 **SECTION 5.**

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

- 208 "(19.57) Alectinib;"
 209 "(19.76) Alirocumab;"
 210 "(66.7) Asfotase;"
 211 "(69.2) Avibactam;"
 212 "(107.2) Brexpaprazole;"
 213 "(131.5) Cangrelor;"
 214 "(143.5) Cariprazine;"
 215 "(190.3) Cholic Acid;"
 216 "(207.7) Cobimetinib;"
 217 "(236.5) Daclatasvir;"
 218 "(240.4) Daratumumab;"
 219 "(243.7) Deferiprone;"
 220 "(247.8) Deoxycholic Acid;"
 221 "(295.5) Dinutuximab;"
 222 "(330.7) Edoxaban;"
 223 "(331.059) Elotuzumab;"
 224 "(331.063) Eluxadoline;"
 225 "(380.4) Evolocumab;"
 226 "(386.1) Filgrastim-SNDZ;"
 227 "(387.7) Flibanserin;"
 228 "(464.15) Idarucizumab;"
 229 "(474.3) Insulin degludec;"
 230 "(495.5) Isavuconazonium;"
 231 "(506.72) Ivabradine;"
 232 "(506.95) Ixazomib;"
 233 "(513.74) Lenvatinib;"
 234 "(513.77) Lesinurad;"
 235 "(531.4) Lumacaftor;"
 236 "(562.5) Mepolizumab;"
 237 "(638.47) Necitumumab;"
 238 "(665.55) Osimertinib;"
 239 "(681.35) Palbociclib;"
 240 "(685.65) Panobinostat;"
 241 "(692.29) Patiromer;"

242 "(844.8) Rolapitant;"
 243 "(849.7) Sacubitril;"
 244 "(852.05) Sebelipase;"
 245 "(852.4) Secukinumab;"
 246 "(853.7) Selexipag;"
 247 "(882.3) Sonidegib;"
 248 "(903.17) Sugammadex;"
 249 "(930.98) Talimogene;"
 250 "(967.56) Tipiracil;"
 251 "(973.6) Trabectedin;"
 252 "(1021.1) Uridine;"

253 **SECTION 6.**

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

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

265 (1) Mitragynine;
 266 (2) 7-hydroxymitragynine;
 267 (3) Genus *Mitragyna*;
 268 (4) Salvinorin A; and
 269 (5) *Salvia divinorum* – except as otherwise provided for in paragraph (4.3) of Code
 270 Section 16-13-72."

271 **SECTION 7.**

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

274 "(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;"

275 **SECTION 8.**

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

278 "16-13-79.

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

281 (b) Any person who distributes or possesses with the intent to distribute nitrous oxide for
282 any use other than for a medical treatment prescribed by the order of a licensed medical
283 practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section
284 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by
285 imprisonment for not less than one year nor more than three years or by a fine not to
286 exceed \$5,000.00 or both.

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

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

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

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

308 **SECTION 9.**

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

311

SECTION 10.

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