

House Bill 783 (COMMITTEE SUBSTITUTE)

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 a penalty for violations relating
5 to nonprescription injectable insulin; to provide for an effective date; to repeal conflicting
6 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) Phenylacetylindoles;
- 30 (F) Cyclohexylphenols;
- 31 (G) Benzoylindoles;
- 32 (H) Tricyclic benzopyrans;
- 33 (I) Adamantoylindoles;
- 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 or ester group, which itself
 183 may be further substituted;
- 184 (3) By a fused triazole ring at the 1,2- position, which itself may be further substituted;
- 185 (4) By a fused imidazole ring at the 1,2- position, which itself may be further substituted;
- 186 (5) By a fused oxazolidine ring at the 4,5- position, which itself may be further
 187 substituted;
- 188 (6) By a fused oxazine ring at the 4,5- position, which itself may be further substituted;
- 189 (7) By substitution at the 7-position with a nitro group;
- 190 (8) By substitution at the 7-position with a halogen group; or
- 191 (9) By substitution at the 1-position with an alkyl group, which itself may be further
 192 substituted.

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

201 SECTION 4.

202 Said chapter is further amended in Code Section 16-13-71, relating to the definition of a
 203 dangerous drug, by revising paragraphs (115.3), (323), (562), (563), and (851.02) of
 204 subsection (b) as follows:

- 205 "(115.3) Budesonide — See exceptions;"
- 206 "(323) Doxylamine ~~succinate;~~"
- 207 "(562) ~~Meprednisone~~ Mepivacaine;

208 (563) ~~Mepivacaine~~ Meprednisone;"

209 "(851.02) ~~Salvinorin A~~ Reserved;"

210 **SECTION 5.**

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

213 "(19.57) Alectinib;"

214 "(19.76) Alirocumab;"

215 "(66.7) Asfotase;"

216 "(69.2) Avibactam;"

217 "(107.2) Brexpaprazole;"

218 "(131.5) Cangrelor;"

219 "(143.5) Cariprazine;"

220 "(190.3) Cholic Acid;"

221 "(207.7) Cobimetinib;"

222 "(236.5) Daclatasvir;"

223 "(240.4) Daratumumab;"

224 "(243.7) Deferiprone;"

225 "(247.8) Deoxycholic Acid;"

226 "(295.5) Dinutuximab;"

227 "(330.7) Edoxaban;"

228 "(331.059) Elotuzumab;"

229 "(380.4) Evolocumab;"

230 "(386.1) Filgrastim-SNDZ;"

231 "(387.7) Flibanserin;"

232 "(464.15) Idarucizumab;"

233 "(474.3) Insulin degludec;"

234 "(495.5) Isavuconazonium;"

235 "(506.72) Ivabradine;"

236 "(506.95) Ixazomib;"

237 "(513.74) Lenvatinib;"

238 "(513.77) Lesinurad;"

239 "(531.4) Lumacaftor;"

240 "(562.5) Mepolizumab;"

241 "(638.47) Necitumumab;"

242 "(665.55) Osimertinib;"

243 "(681.35) Palbociclib;"

244 "(685.65) Panobinostat;"

245 "(692.29) Patiromer;"

246 "(844.8) Rolapitant;"

247 "(849.7) Sacubitril;"

248 "(852.05) Sebelipase;"

249 "(852.4) Secukinumab;"

250 "(853.7) Selexipag;"

251 "(882.3) Sonidegib;"

252 "(903.17) Sugammadex;"

253 "(930.98) Talimogene;"

254 "(967.56) Tipiracil;"

255 "(973.6) Trabectedin;"

256 "(1021.1) Uridine;"

257 **SECTION 6.**

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

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

268 (1) Salvinorin A; and

269 (2) Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code
270 Section 16-13-72.

271 This subsection shall not prohibit a person from possessing a restricted dangerous drug for
272 the purpose of conducting research approved by the federal Food and Drug
273 Administration."

274 **SECTION 7.**

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

277 "(6.1) Budesonide – when used as a nasal spray in doses up to 32 mcg per spray;"

278 **SECTION 8.**

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

281 "16-13-79.

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

284 (b) Any person who distributes or possesses with the intent to distribute nitrous oxide for
 285 any use other than for a medical treatment prescribed by the order of a licensed medical
 286 practitioner, except as provided for by paragraph (16) of subsection (c) of Code Section
 287 16-13-71, shall be guilty of a felony and upon conviction thereof shall be punished by
 288 imprisonment for not less than one year nor more than three years or by a fine not to
 289 exceed \$5,000.00 or both.

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

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

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

306 **SECTION 9.**

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

309 **SECTION 10.**

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