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

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 a penalty for violations relating to 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) Naphthylidenediindenes;
(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-benzoazin
-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-tetramethylcyclopropyl)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-tetramethylcyclopropyl)
methanone (A-796,260) Indazole carboxylates;
(Q) [3-(3-carbamoylphenyl)phenyl] N-cyclohexylcarbamate (URB597);
(R) 6-methyl-2-[(4-methylphenyl)amino]-1-benoxazin-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-yl)-1H-indole-3-carboxamide
(STS-135) Naphthylbenzimidazoles;
(U) 1-naphthalenyl[4-(pentyllox)-1-naphthalenyl]-methanone (CB-13);
(V) **N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide** (NNEI);

(W) **N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide** (ADBCA);

(X) **(1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl) methanone** (AM-2201 benzimidazole analog);

(Y) **Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate** (FUB-PB-22);

(Z) **Naphthalen-1-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate** (FDU-PB-22);

(AA) **(1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl) methanone** (AM-2201 benzimidazole analog);

(BB) **(1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone** (FUB-144);

(CC) **N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide** (5-fluoro-ABICA);

(DD) **1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone** (THJ 018).

**SECTION 3.**

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


(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:

(0.5) Alfaxalone;

(1) **Alprazolam Alfaxalone**;

(1.5) Armodafinil;

(2) Barbital;

(2.1) **Bromazepam Reserved**;

(2.15) Butorphanol;

(2.2) Camazepam;

(2.25) Carisoprodol;

(2.3) Cathine;

(3) Chloral betaine;

(4) Chloral hydrate;
(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) Lorcanerine;
(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;
(30.02) 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 or ester group, which itself
may be further substituted;
(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 oxazolidine 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;
(8) By substitution at the 7-position with a halogen group; or
(9) By substitution at the 1-position with an alkyl group, which itself may be further
substituted.

(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), (563), and (851.02) of
subsection (b) as follows:

"(115.3) Budesonide — See exceptions;"
"(323) Doxylamine succinate;"
"(562) Meprednisone Mepivacaine;"
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;"
"(69.2) Avibactam;"
"(107.2) Brexpaprazole;"
"(131.5) Cangrelor;"
"(143.5) Cariprazine;"
"(190.3) Cholic Acid;"
"(207.7) Cobimetinib;"
"(236.5) Daclatasvir;"
"(240.4) Daclatasvir;"
"(243.7) Deferiprone;"
"(247.8) Deoxycholic Acid;"
"(295.5) Dinutuximab;"
"(330.7) Edoxaban;"
"(331.059) Elotuzumab;"
"(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) A 'restricted dangerous drug' 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. Salvinorin A; and
2. Salvia divinorum – except as otherwise provided for in paragraph (4.3) of Code Section 16-13-72.

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

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) and (e) 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 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.

SECTION 10.

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