

**APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER**

Secretary of State  
1700 W. Washington Street, 7th Floor  
Phoenix, AZ 85007

SECRETARY OF STATE

2017 FEB 16 PM 1:58

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less than eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

**SUMMARY:** A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Safer Arizona Cannabis Legalization Act: (1) legalizes the possession, consumption, cultivation and sales of cannabis for adults at least twenty-one years of age; (2) decriminalizes cannabis offenses and replaces them with fines; (3) creates a system in which licensed business will resell cannabis and cannabis products; (4) establishes a sales tax on retail cannabis, from which the revenue will be allocated to education; (5) places cannabis under the department of agriculture; (6) prevents the state from conspiring with other governments to enforce cannabis prohibition laws; (7) provides post conviction relief for prior cannabis violations.

David Wisniewski  
Signature of Applicant

David Wisniewski

Printed Name of Applicant

14010 N Cave Creek Road suite #302

Address

Phoenix, Arizona, 85022

City State Zip

623-200-7722

Telephone Number

Safer Arizona 2018

Name of Organization (if any)

14010 N Cave Creek Road suite #302

Address

Phoenix, Arizona, 85022

City State Zip

623-200-7722

Telephone Number

Catalina Vargas, Treasurer

Name of Officer and Title

14010 Cave Creek Road suite #302

Address

Phoenix, Arizona, 85022

City State Zip

609-408-9747

Telephone Number

Dave Wisniewski, Chairman

Name of Officer and Title

14010 N Cave Creek Road suite #302

Address

Phoenix, Arizona, 85022

City State Zip

623-200-7722

Telephone Number

Date of Application	<u>02/16/2018</u>
Signatures Required	<u>150,642</u>
Deadline for Filing	<u>July 05, 2018</u>
Serial Number Issued	<u>I-03-2018</u>
FOR OFFICE USE ONLY	

Revised 11/92

Committee ID # 201600601



## AN INITIATIVE MEASURE

**AMENDING TITLE 3, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 21; AMENDING SECTION 13-3401, ARIZONA REVISED STATUTES; REPEALING SECTION 13-3405, ARIZONA REVISED STATUTES; AMENDING SECTIONS 36-2501 AND 36-2512, ARIZONA REVISED STATUTES; AMENDING TITLE 42, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; RELATING TO CANNABIS.**

2017 FEB 16 PM 1:59

### TEXT OF PROPOSED AMENDMENT

**Be it enacted by the People of the State of Arizona:**

#### **Sec. 1. Short title**

This act may be cited as the "Safer Arizona Cannabis Legalization Act".

#### **Sec. 2. Findings**

The people of the State of Arizona find and declare the following:

1. Marijuana and cannabis have been used safely for thousands of years for recreational, medical, religious and industrial purposes.
2. The states of Colorado, Washington, Oregon, California, Maine, Massachusetts, Nevada and Alaska and Washington D.C. have all legalized the adult use of marijuana and cannabis and have enjoyed a substantial increase in tax revenue as a result.
3. In those states that have legalized, there has been no increase in teen use of marijuana and cannabis.
4. In the largest meta-study to date, the National Highway Traffic Safety Administration concluded in 2015 that there is no correlation between cannabis use and automobile accidents.
5. The Chief Administrative Law Judge of the United States Drug Enforcement Administration (DEA), Francis Young, determined correctly that, "Marijuana, in its natural form, is one of the safest therapeutically active substances known to man".
6. Monopolies and oligopolies of any industry in the State of Arizona are antithetical to the values of Arizonans, and the cannabis industry is no exception. Commerce should be left to the free market and its production and sale should be regulated only to the extent as the production and sale of any other agricultural commodity.
7. In the interest of the public health and safety, to protect and maintain individual rights and the people's freedom and to better focus state and local law enforcement resources on crimes involving violence and personal property, marijuana and cannabis should be removed from the Arizona Uniform Controlled Substances Act and the possession, use, production and sale of marijuana and cannabis should be removed from Arizona's criminal code and legalized for adults who are at least twenty-one years of age.
8. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of Arizona in violation of federal law.
9. The purpose of this act is to legalize the use, production, manufacture and sale of cannabis for persons who are at least twenty-one years of age, to remove laws currently in existence that prohibit such activities, and to protect persons who are at least twenty-one years of age from arrest and prosecution, criminal and other penalties and property forfeiture if such persons engage in the possession, use, production and sale of marijuana and cannabis pursuant to this act.

**Sec. 3. Title 3, Arizona Revised Statutes, is amended by adding chapter 21, to read:**

### CHAPTER 21

#### SAFER ARIZONA CANNABIS LEGALIZATION ACT

#### ARTICLE 1. GENERAL PROVISIONS

##### **3-3701. Definitions**

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "CANNABIS" SHALL BE DEFINED TO INCLUDE THE FOLLOWING:
  - A. ALL PLANTS OF THE GENUS CANNABIS OR ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, THE SEEDS OF SUCH PLANT, AND THE RESIN EXTRACTED FROM ANY PART OF A PLANT OF THE GENUS CANNABIS; AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF SUCH PLANT, ITS SEEDS OR ITS RESIN, AND ANY OF ITS PARTS AND COMPONENTS, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR PREPARATION OF SUCH RESIN; AND
  - B. ANY CANNABINOIDS DERIVED FROM CANNABIS, INCLUDING, BUT NOT LIMITED TO TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), AND CANNABIGEROL (CBG).
2. "CANNABIS ACCESSORIES" SHALL BE DEFINED AS EQUIPMENT, PRODUCTS AND MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE OR DESIGNED FOR USE IN PLANTING, PROPAGATING, CULTIVATING, GROWING, HARVESTING, MANUFACTURING, COMPOUNDING, CONVERTING, PRODUCING, PROCESSING, PREPARING, TESTING, WEIGHING, MEASURING, ANALYZING, PACKAGING, REPACKAGING, STORING, CONTAINING, CONCEALING, CONVERTING, INGESTING, INHALING, OR THE ISOMERIZATION OF CANNABIS OR THE TRANSDERMAL DELIVERY OR OTHERWISE INTRODUCING INTO A HUMAN OR ANIMAL BODY.



3. "CANNABIS PRODUCT" SHALL BE DEFINED TO INCLUDE CANNABIS THAT IS READY FOR USE OR THAT IS TO BE FURTHER PROCESSED FOR USE AND ANY PRODUCT CONTAINING CANNABIS WHETHER INTENDED FOR RECREATIONAL, MEDICAL, SPIRITUAL, NUTRITIONAL OR INDUSTRIAL USE OR FOR ANY OTHER PURPOSE. CANNABIS PRODUCTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DRIED CANNABIS FLOWER, HASHISH OIL CONCENTRATES, FOOD AND DRINK, CLOTHING, BUILDING MATERIALS, PAPER, FIBER, FUEL, HEMP LIME BIO-COMPOSITE MATERIAL, LUBRICANTS, PLASTICS, PAINT, SEED FOR CULTIVATION, ANIMAL FEED, VETERINARY MEDICINE, OR ANY OTHER PRODUCT, AND THE USE OF SUCH PRODUCTS.
4. "PERSONAL USE" SHALL BE DEFINED AS BUT IS NOT LIMITED TO THE CONSUMPTION OF CANNABIS THAT HAS MORE THAN .3%THC BY PEOPLE WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE FOR RELAXATION, MEDITATIVE, RELIGIOUS, RECREATIONAL, MEDICAL OR ANY OTHER PURPOSES.
5. "PERSONAL GROW" SHALL BE DEFINED AS ANY CULTIVATION OF CANNABIS BY A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE OF UP TO FORTY-EIGHT CANNABIS PLANTS FOR PERSONAL USE OR FOR USE BY OTHER PERSONS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE AND WHO ARE NOT ENGAGED IN SALES ACTIVITY FOR EITHER WHOLESALE OR RETAIL. THERE SHALL BE NO LIMIT ON THE NUMBER OF PLANTS IN A PERSONAL GROW THAT ARE NOT YET IN A STATE OF EFFLORESCENCE/INFLORESCENCE.
6. "HOME GARDENS" AND "GARDENS" SHALL BE DEFINED AS COMMERCIAL PRODUCTIONS THAT HAVE NO PLANT LIMIT, THAT ARE OPERATED BY PRODUCERS WHO ARE TWENTY-ONE YEARS OF AGE OR OLDER, AND THAT ARE ENGAGED IN THE GROWING, MANUFACTURING, SALES AND DISTRIBUTION OF CANNABIS AND CANNABIS FOOD PRODUCTS.
7. "COMMERCIAL GROW" SHALL BE DEFINED AS ANY CULTIVATION OF CANNABIS PLANTS FOR WHOLESALE TO ANOTHER BUSINESS THAT MAY SELL RETAIL ITEMS OF ANY KIND. COMMERCIAL GROWS EXCEPT FOR EXEMPTIONS OTHERWISE PROVIDED FOR IN THIS CHAPTER ARE SUBJECT TO GENERALLY APPLICABLE ARIZONA AGRICULTURE LAWS AND REGULATIONS PERTAINING TO OTHER AGRICULTURAL COMMODITIES INCLUDING, BUT NOT LIMITED TO, TOMATOES, LETTUCE AND ANY OTHER COMMON PRODUCE.
8. "COMMERCIAL PRODUCTION" SHALL BE DEFINED AS THE MANUFACTURING OR PROCESSING OF CANNABIS PRODUCTS FOR WHOLESALE TO ANOTHER BUSINESS THAT IS AUTHORIZED TO SELL RETAIL ITEMS OF ANY KIND.
9. "MANUFACTURE" SHALL BE DEFINED TO INCLUDE THE COMPOUNDING, BLENDING, EXTRACTING, INFUSING, OR OTHERWISE TO MAKE OR PREPARE A CANNABIS PRODUCT.
10. "PRODUCER" SHALL BE DEFINED AS OWNERS, PROPRIETORS OR TENANTS OF AGRICULTURAL LANDS, ORCHARDS, FARMS, GARDENS, HOME GARDENS, COMMERCIAL GROWS, AND PERSONAL GROWS ON WHICH FOOD PRODUCTS ARE GROWN, RAISED OR PREPARED FOR MARKET.
11. "FOOD PRODUCT" SHALL BE DEFINED AS EVERY CANNABIS PRODUCT IN ITS NATURAL OR MANUFACTURED THAT IS STATE PRODUCED FOR HUMAN OR ANIMAL CONSUMPTION.

**3-3702. Repeal of cannabis prohibition, amendments and legalization of cannabis**

**A. THE FOLLOWING ARIZONA REVISED STATUTE PROHIBITING MARIJUANA AND CANNABIS IS HEREBY REPEALED:**

1. Section 13-3405, Arizona revised statutes, is repealed.

**B. THE FOLLOWING ARIZONA REVISED STATUTES CLASSIFYING MARIJUANA AND CANNABIS ARE HEREBY AMENDED AS PROVIDED IN THIS ACT:**

1. Section 13-3401(4), Arizona revised statutes, is deleted.
2. Section 13-3401(19), Arizona revised statutes, is deleted.
3. Section 13-3401(20)(w), Arizona revised statutes, is deleted.
4. Section 13-3401(36)(h), Arizona revised statutes, is deleted.
5. Section 36-2501(a)(2), Arizona revised statutes, is deleted.
6. Section 36-2512(a)(3)(w), Arizona revised statutes, is deleted.

**C. NOTWITHSTANDING ANY LAW TO THE CONTRARY, CANNABIS, CANNABIS PRODUCTS, AND CANNABIS ACCESSORIES ARE HEREBY LEGALIZED. THE CANNABIS PLANT IS PLACED UNDER THE REGULATORY CONTROL OF THE DEPARTMENT OF AGRICULTURE AS PROVIDED IN THIS ACT.**

**3-3703. Restrictions on Government action**

- A. EXCEPT AS PROVIDED IN THIS CHAPTER THE STATE OF ARIZONA IS PROHIBITED FROM TAXING OR REGULATING THE USE OF GENUS CANNABIS FOR ANY PURPOSE BY INDIVIDUALS OR ENTITIES. FOR THE PURPOSES OF THIS SUBSECTION, USE IS DEFINED AS INCLUDING, BUT NOT LIMITED TO THE POSSESSION, CONSUMPTION, PURCHASE, CULTIVATION, PRODUCTION, MANUFACTURE, SALE, TRANSPORTATION, IMPORTATION, EXPORTATION, STORAGE AND ANY OTHER USE FOR RECREATIONAL, MEDICAL, SPIRITUAL, NUTRITIONAL, COMMERCIAL AND/OR INDUSTRIAL PURPOSES.
- B. THE STATE OF ARIZONA SHALL NOT PROHIBIT OR RESTRICT ATTORNEYS OR OTHER LICENSED PROFESSIONALS FROM ADVISING, COUNSELING OR REPRESENTING PERSONS OR ENTITIES IN THE CANNABIS INDUSTRY, EVEN WHERE SUCH ADVICE, COUNSEL AND REPRESENTATION MAY CAUSE THE CLIENT TO VIOLATE THE FEDERAL LAW.



**C. THE STATE OF ARIZONA IS PROHIBITED FROM THE FOLLOWING ACTIVITIES:**

1. PARTNERING, CONSPIRING, ADMINISTRATING, FACILITATING, OR PARTICIPATING, WITH ANY OTHER GOVERNMENT ENTITIES, INCLUDING BUT NOT LIMITED TO THE FEDERAL GOVERNMENT, LOCAL GOVERNMENTS, INTERNATIONAL AGENCIES AND GOVERNING BODIES, NATIVE AMERICAN TRIBES, OTHER STATES, FOREIGN GOVERNMENTS, AND PRIVATE ENTITIES FROM ENFORCING ANY LAW, OR TREATY PERTAINING TO CANNABIS PROHIBITIONS AND/OR RESTRICTIONS WHETHER COVERED OR NOT COVERED IN THIS CHAPTER.
2. USING STATE OR FEDERAL FUNDS OR MONIES TO ENFORCE ANY FEDERAL, LOCAL, INTERNATIONAL AND TRIBAL LAWS OR TREATIES PERTAINING TO CANNABIS PROHIBITIONS AND RESTRICTIONS THAT ARE DIFFERENT FROM THE PROVISIONS PRESCRIBED IN THIS CHAPTER.
3. DENYING ANY PRIVILEGE, LICENSE, REGISTRATION OR BENEFIT TO A PERSON BASED ON THAT PERSON'S USE OF CANNABIS PURSUANT TO THIS CHAPTER;
4. DISCRIMINATING IN ANY WAY, WHETHER IN GOVERNMENT EMPLOYMENT OR OTHERWISE, AGAINST A PERSON BASED ON THAT PERSON'S USE OF CANNABIS PURSUANT TO THIS CHAPTER.

**3-3704. Discrimination prohibited**

- A. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A PERSON'S USE OF CANNABIS SHALL NOT DISQUALIFY THE PERSON FROM MEDICAL CARE.
- B. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.
- C. NO PERSON MAY POSSESS OR USE CANNABIS ON SCHOOL GROUNDS, INSIDE SCHOOL BUILDINGS, IN SCHOOL PARKING LOTS OR PLAYING FIELDS, IN SCHOOL BUSES OR VEHICLES OR AT OFF-CAMPUS SCHOOL-SPONSORED EVENTS. FOR THE PURPOSES OF THIS PARAGRAPH, "SCHOOL" MEANS ANY PUBLIC, CHARTER OR PRIVATE SCHOOL WHERE CHILDREN ATTEND CLASSES IN PRESCHOOL PROGRAMS, KINDERGARTEN PROGRAMS OR GRADES ONE THROUGH TWELVE ONLY.

**3-3705. Local control**

- A. LOCAL JURISDICTIONS SHALL NOT PASS ANY LAWS, ORDINANCES OR REGULATIONS THAT RESTRICT OR CONTROL THE LOCATION OR OPERATION OF A CANNABIS-RELATED BUSINESS THAT IS NOT PROVIDED FOR IN THIS CHAPTER. A LOCAL JURISDICTION SHALL NOT TAX, REGULATE, CONTROL OR PASS ANY LAWS, ORDINANCE OR REGULATIONS GOVERNING THE USE, CONSUMPTION, TRANSDERMAL DELIVERY, SALE, TRANSFER, GROWTH, CULTIVATION, MANUFACTURE, PRODUCTION, STORAGE, POSSESSION, TRANSPORTATION OR IMPORTATION OF CANNABIS OR ANY CHEMICALS IN ANY CANNABIS PLANT.
- B. LOCAL GOVERNMENTS SHALL NOT PROHIBIT THE OPERATION OF CANNABIS-RELATED BUSINESSES WITHIN THEIR JURISDICTIONS.
- C. LOCAL GOVERNMENTS SHALL NOT ENACT ANY ZONING REQUIREMENT THAT IS DISCRIMINATORY, PROHIBITIVE OR EXCLUSIVE TO A CANNABIS RELATED-BUSINESS. LOCAL GOVERNMENTS SHALL NOT ENACT ANY LICENSING FEE OR TAX THAT IS NOT PROVIDED FOR IN THIS CHAPTER. A CANNABIS RELATED BUSINESS SHALL ONLY BE ZONED ACCORDING TO EXISTING ZONING ORDINANCES PERTAINING TO THE TYPE OF COMMERCIAL ACTIVITY THAT THE BUSINESS IS ENGAGED IN, INCLUDING, BUT NOT LIMITED TO RETAIL, WHOLESALE, AGRICULTURE, MANUFACTURING, PROCESSING, DISTRIBUTING AND STORAGE.
- D. LOCAL GOVERNMENTS SHALL NOT REQUIRE ANYTHING MORE FOR THE OPERATION OF A CANNABIS-RELATED BUSINESS THAN A STANDARD TRANSACTION PRIVILEGE TAX LICENSE ISSUED BY THE ARIZONA DEPARTMENT OF REVENUE AND ANY BUSINESS, OCCUPATIONAL LICENSE, OR SALES TAX LICENSE ISSUED BY THE LOCALITY IN WHICH THE BUSINESS IS BASED AND/OR OPERATES IF APPLICABLE. IT SHALL BE THE RESPONSIBILITY OF THE INDIVIDUAL DOING BUSINESS TO OBTAIN A FEDERAL EMPLOYEE IDENTIFICATION NUMBER FOR FEDERAL TAXES, IF APPLICABLE. A CANNABIS-RELATED BUSINESS MAY BE REQUIRED TO UNDERGO ANY INSPECTIONS THAT ARE NORMALLY REQUIRED FOR NON-CANNABIS BUSINESSES OF A SIMILAR TYPE SUCH AS RESTAURANTS, BAKERIES, AND COMMERCIAL KITCHENS, UNLESS OTHERWISE EXEMPTED IN THIS CHAPTER. THE DEPARTMENT OF REVENUE AND ALL LOCALITIES SHALL ISSUE TRANSACTION PRIVILEGE TAX AND BUSINESS LICENSES AND ANY OTHER PERMITS NECESSARY TO OPERATE A CANNABIS-RELATED BUSINESS WITHIN THIRTY DAYS AFTER APPLICATION. NO CANNABIS-SPECIFIC LICENSES, PERMIT OR FEES SHALL BE MANDATED OR REQUIRED, NOR SHALL ANY LICENSE OR TRANSACTION PRIVILEGE TAX LICENSE BE DENIED TO ANY CANNABIS RELATED BUSINESS.
- E. LOCALITIES SHALL NOT BAN HOME CULTIVATION OR ANY OTHER CULTIVATION OF CANNABIS.

**3-3707. Licensing**

- A. NO PERMIT, LICENSE OR TAX SHALL BE REQUIRED FOR THE MANUFACTURE, CULTIVATION, TRANSPORTATION, DISTRIBUTION, SALES OR CONSUMPTION OF CANNABIS FOR PERSONAL USE.
- B. A PERSON OR ENTITY OPERATING A BUSINESS FOR INCOME FROM THE RESALE OF CANNABIS OR CANNABIS PRODUCTS SHALL OBTAIN A TRANSACTION PRIVILEGE TAX LICENSE AND ANY STANDARD LOCAL TAX, AND OR BUSINESS LICENSE THAT IS GENERALLY APPLICABLE TO THE TYPE OF COMMERCIAL ACTIVITY THE BUSINESS IS



ENGAGED IN, AND SHALL BE SUBJECT TO GENERALLY APPLICABLE AGRICULTURAL LAWS AND REGULATIONS. NO CANNABIS-SPECIFIC LICENSES SHALL BE MANDATED, ENACTED OR REQUIRED, AND NO CANNABIS-SPECIFIC LICENSE FEES SHALL BE LEVIED, ENACTED, MANDATED OR REQUIRED. NO CANNABIS-SPECIFIC TAXES SHALL BE LEVIED, MANDATED OR REQUIRED.

- C. THE PRODUCERS OF FOOD PRODUCTS ON AGRICULTURAL LANDS, FARMS AND GARDENS SHALL NEVER UNDER ANY PRETEXT BE DENIED OR RESTRICTED THE RIGHT TO SELL AND DISPOSE OF THEIR PRODUCTS, EXCEPT IN THE MANNER AND TO THE EXTENT PROVIDED IN THIS CHAPTER, AND SUBJECT TO INSPECTION BY LAWFUL AUTHORITY WHEN THE INSPECTION IS UNIFORM AS TO THE SAME PRODUCT AND WITHOUT COST TO THE PRODUCER. GARDENS, HOME GARDENS, AND PERSONAL GROWS SHALL BE EXEMPT FROM INSPECTION.
- D. THE RIGHT TO SELL AND DISPOSE OF FOOD PRODUCTS SHALL EXTEND TO THE PRODUCER IN PERSON, MEMBERS OF HIS FAMILY, HIS AGENTS AND ALL PERSONS IN HIS SERVICE, WHEN THE PRODUCTS ARE SOLD OR DISPOSED OF ON HIS BEHALF AND FOR HIS BENEFIT. NO TAX, LICENSE OR FEE SHALL BE IMPOSED, LEVIED UPON, DEMANDED OR COLLECTED FROM A PRODUCER FOR A SALE OF A FOOD PRODUCT AS DEFINED IN THIS CHAPTER, AND NO PENALTY OR PUNISHMENT SHALL BE IMPOSED ON ACCOUNT OF THE SALE, EXCEPT FOR A VIOLATION OF LAWS PROVIDING FOR INSPECTION.
- E. A MUNICIPAL ORDINANCE WHICH SEEKS TO IMPOSE OR SUBJECT A PRODUCER TO A TAX, LICENSE OR FEE SHALL BE VOID. ALL SUCH PRODUCTS IN COMMON WITH SIMILAR PRODUCTS OFFERED FOR SALE BY PERSONS NOT THE PRODUCERS THEREOF SHALL BE SUBJECT TO INSPECTION. A MUNICIPAL ORDINANCE PROVIDING FOR INSPECTION SHALL NOT BE VALID UNLESS IT APPLIES IN THE SAME MANNER AND TERMS TO OTHER PERSONS OFFERING SIMILAR PRODUCTS FOR SALE.
- F. IN ADDITION TO BEING SUBJECT TO GENERALLY APPLICABLE AGRICULTURAL LAWS AND REGULATIONS, ANY CANNABIS PRODUCT PRODUCED BY A COMMERCIAL GROW THAT IS INTENDED FOR WHOLESALE OR RETAIL SALES SHALL BE CONTAINED OR PACKAGED AND LABELED OR HAVE SIGNAGE WITH THE FOLLOWING INFORMATION REGARDING THE PRODUCT:
  - 1. A SYMBOL OR OTHER MARK INDICATING THAT THE PACKAGE CONTAINS CANNABIS.
  - 2. INFORMATION INDICATING THE TETRAHYDROCANNABINOL, CANNABIDIOL AND CANNABIGEROL POTENCY LEVELS.
  - 3. SPORE COUNT LEVEL OF ANY MOLD PRESENT.
  - 4. THE RESIDUAL SOLVENTS USED; AND INFORMATION REGARDING ANY TERPENES; TRACE METALS; PESTICIDES; HERBICIDES; FUNGICIDES; AND WHETHER THE CANNABIS HAS BEEN GENETICALLY MODIFIED (GMO/GM), OR HAD ADDITIVES ADDED BEFORE THE POINT OF SALE.
  - 5. STRAIN NAME, BATCH NUMBER, ORIGIN, AND WEIGHT OF THE CANNABIS.
- F. RELIGIOUS MINISTRIES SHALL BE EXEMPT FROM INSPECTIONS, TAX AND LICENSING FROM THE SALE, CULTIVATION, MANUFACTURING, PROCESSING AND ANY OTHER REGULATIONS OF CANNABIS AND SHALL FUNCTION AS MEETS THEIR TRADITION. MINISTRIES MAY PREPARE FOOD AND DRINK ACCORDING TO THEIR TRADITION, INCLUDING BUT NOT LIMITED TO KOSHER, HALAL, AND ANY OTHER, AND SHALL NOT BE PENALIZED BY THE STATE OF ARIZONA FOR, NOR RESTRICTED FROM, RECOMMENDING CANNABIS FOR SPIRITUAL CARE TO ITS MEMBERS WHO SEEK SUCH HELP.

### **3-3708. Exemptions**

- A. COMMERCE IN CANNABIS THAT HAS MORE THAN .3% THC SHALL BE LIMITED TO ADULTS WHO ARE AT LEAST TWENTY-ONE YEARS OF AGE.
- B. NO PERSON OR ENTITY SHALL KNOWINGLY SELL, OR TRANSFER CANNABIS THAT HAS MORE THAN .3% THC TO A PERSON UNDER 21 YEARS OF AGE.
- C. NO PERSON UNDER THE AGE OF 21 SHALL KNOWINGLY OR LAWFULLY PURCHASE, CULTIVATE, SELL, POSSESS, OR USE ANY CANNABIS THAT HAS MORE THAN .3% THC BUT THERE SHALL BE NO AGE RESTRICTION FOR THE POSSESSION OR USE OF CANNABIS WITH LESS THAN .3% THC.
- D. THE USE OF CANNABIS MAY ONLY BE PROHIBITED IN GOVERNMENTAL TRANSPORTATION, GOVERNMENTAL BUILDINGS, PUBLIC PRESCHOOLS, PUBLIC ELEMENTARY SCHOOLS AND PUBLIC SECONDARY SCHOOLS.

### **3-3709. Driving under the influence**

THIS CHAPTER DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL, OR OTHER PENALTIES FOR OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT, OR MOTORBOAT WHILE UNDER THE INFLUENCE OF CANNABIS EXCEPT, NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON MAY BE ARRESTED, PROSECUTED, CONVICTED OR PENALIZED IN ANY MANNER, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU OR BE DENIED ANY RIGHT OR PRIVILEGE, FOR HAVING CANNABIS OR ITS COMPONENTS AND METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION. THIS SECTION PROHIBITS, AMONG OTHER THINGS, ARREST, PROSECUTION, CONVICTION OR PENALTY FOR A DUI PER SE OFFENSE, WHICH IS CURRENTLY DEFINED BY A.R.S. 28-1381(A)(3);

- A. IN A PROSECUTION FOR DRIVING UNDER THE INFLUENCE, INCLUDING UNDER A.R.S. 28-1381(A)(1) AND A.R.S. 28-1381(A)(3), THE STATE SHALL NOT BE PERMITTED TO ENTER INTO EVIDENCE ANY TEST OR ANALYSIS OF A PERSON'S BODY, BREATH, HAIR, OR SKIN THAT INDICATES THE PRESENCE OF CANNABIS OR ITS COMPONENTS OR METABOLITES THEREIN.
- B. NO PERSON MAY BE SUBJECT TO A REVOCATION, SUSPENSION OR CANCELLATION OF A DRIVERS LICENSE BASED SOLELY ON THE PRESENCE OF CANNABIS OR ITS METABOLITES IN THE PERSONS BODY OR BREATH OR IN THE PERSON'S POSSESSION;



- C. NO PERSON MAY BE REQUIRED TO INSTALL AN IGNITION INTERLOCK DEVICE OR ANY OTHER SIMILAR DEVICE IN THE PERSONS CAR, HOME, BODY OR OTHER PROPERTY BASED SOLELY ON A FINDING THAT THERE WAS CANNABIS OR ITS METABOLITES IN THE PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION.

**3-3710. Gun rights**

A PERSON'S RIGHT TO OWN AND BEAR ARMS SHALL NOT BE INFRINGED ON OR PUT INTO ANY REPORT, WHETHER WRITTEN, ELECTRONIC, DIGITAL OR OTHERWISE, BY LAW ENFORCEMENT, THE STATE OF ARIZONA BASED ON THE PERSON'S USE, CONSUMPTION, SALE, MANUFACTURE, CULTIVATION, PRODUCTION, PURCHASE, POSSESSION OR TRANSPORTATION OF CANNABIS, CANNABIS PRODUCTS OR CANNABIS ACCESSORIES.

**3-3711. Search and seizure**

- A. NO SEARCH OR ARREST WARRANTS SHALL BE ISSUED NOR SHALL ANY PROPERTY BE SEIZED OR FORFEITED BASED UPON A FINDING THAT CANNABIS IS OR WAS IN THE PROCESS OF BEING POSSESSED, USED, CULTIVATED, EXTRACTED, PRODUCED OR MANUFACTURED.
- B. AS A PENALTY, IF A WARRANT IS ISSUED IN VIOLATION OF SUBSECTION A OF THIS SECTION, THE LAW ENFORCEMENT AGENCY THAT OBTAINED THE WARRANT SHALL BE SUBJECT TO A CIVIL PENALTY OF \$50,000 PAYABLE TO THE PERSON WHO WAS ARRESTED OR WHO OWNS THE PROPERTY THAT WAS SEARCHED OR SEIZED. A PRIVATE CAUSE OF ACTION FOR THE RECOVERY OF THIS PENALTY SHALL BE ACCEPTED BY THE SUPERIOR COURT HAVING GEOGRAPHIC JURISDICTION OVER THE PLACE WHERE THE VIOLATION OCCURRED. THE FILING FEE FOR SUCH AN ACTION SHALL NOT EXCEED \$50. THERE SHALL BE NO IMMUNITY FROM THIS PENALTY BY STATUTE OR OTHERWISE, INCLUDING BASED ON A CLAIM OF ACTING IN "GOOD FAITH".
- C. ANYTHING DISCOVERED DURING A SEARCH BASED ON A WARRANT ISSUED IN VIOLATION OF SUBSECTION A OF THIS SECTION SHALL NOT BE ADMISSIBLE AS EVIDENCE IN ANY CRIMINAL, CIVIL, ADMINISTRATIVE OR OCCUPATIONAL LICENSING ACTION OR PROCEEDING, REGARDLESS OF WHETHER THE SEARCH OR INSPECTION WHEREIN THE EVIDENCE WAS DISCOVERED WAS OF THAT PERSON'S PROPERTY OR OF THE PROPERTY OF ANOTHER.

**3-3712. Post conviction relief**

- A. ANY PERSON WHO WAS SENTENCED UNDER THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, SHALL BE ELIGIBLE FOR RE-SENTENCING AS FOLLOWS.
1. ANY PERSON WHO WAS SENTENCED TO INCARCERATION OR PROBATION PURSUANT TO A.R.S. 13-3405(B) OR A.R.S. 13-3408(B) PRIOR TO THE EFFECTIVE DATE OF THIS ACT, MAY FILE A MOTION TO MODIFY SENTENCE WITH THE JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, COMMISSIONER, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
  2. NO LATER THAN THIRTY (30) DAYS FROM THE FILING DATE OF THE MOTION TO MODIFY SENTENCE, THE COURT SHALL EITHER GRANT THE MOTION TO MODIFY SENTENCE OR, IF THE STATE OBJECTS, SCHEDULE A CONTESTED RE-SENTENCING HEARING.
  3. AT THE RE-SENTENCING HEARING, THE COURT SHALL DETERMINE THE FOLLOWING:
    - (A) IF CURRENTLY SERVING A TERM OF INCARCERATION OR PROBATION, WHETHER THE PERSON WOULD HAVE BEEN SENTENCED TO A SHORTER TERM OR NO TERM AT ALL OF INCARCERATION OR PROBATION UNDER THIS ACT.
    - (B) IF THE COURT DETERMINES THAT A SHORTER TERM OR NO TERM AT ALL WOULD HAVE BEEN IMPOSED UNDER THIS SECTION AS AMENDED, IT SHALL GRANT THE MOTION TO MODIFY SENTENCE AND ORDER A MODIFICATION OF SENTENCE THAT IS CONSISTENT WITH THIS ACT. UNDER NO CIRCUMSTANCES MAY A RE-SENTENCING UNDER THIS SECTION RESULT IN THE IMPOSITION OF ADDITIONAL PENALTIES.
  4. THE COURT SHALL EITHER GRANT OR DENY THE MOTION TO MODIFY SENTENCE NO LATER THAN SIXTY (60) DAYS FROM THE DATE OF THE FILING OF THE MOTION TO MODIFY SENTENCE.
- B. UPON COMPLETION OF A DEFENDANT'S SENTENCE IMPOSED PURSUANT TO THIS SECTION, THE DEFENDANT MAY FILE A PETITION TO EXPUNGE CONVICTION WITH THE JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE WHO PRONOUNCED SENTENCE OR IMPOSED PROBATION OR SUCH JUDGE, JUSTICE OF THE PEACE OR MAGISTRATE'S SUCCESSOR IN OFFICE.
1. WITHIN SIXTY (60) DAYS OF THE FILING OF A PETITION TO EXPUNGE CONVICTION, IF THE COURT DETERMINES THAT THE DEFENDANT'S CONDUCT WOULD NOT HAVE BEEN A CRIMINAL OFFENSE UNDER THIS SECTION AS AMENDED, THEN THE COURT SHALL ORDER THAT ALL CONVICTIONS UNDER THAT CASE NUMBER WHICH WERE ENTERED PURSUANT THIS SECTION BE EXPUNGED AND CLEARED FROM ALL COURT RECORDS, POLICE RECORDS AND ANY OTHER RECORDS OF ANY OTHER AGENCY RELATING TO SUCH CONVICTION AND SHALL CAUSE A COPY OF SUCH ORDER TO BE DELIVERED TO ALL LAW ENFORCEMENT AGENCIES AND COURTS.
  2. THE COURT SHALL ORDER THAT THE CONVICTION BE PERMANENTLY OBLITERATED FROM ALL RECORDS WHETHER ELECTRONIC, DIGITAL, WRITTEN OR OTHER AND SHALL ORDER THAT THE CONVICTION NOT BE USED AGAINST THE DEFENDANT FOR ANY PURPOSE, INCLUDING IN ANY CIVIL, CRIMINAL OR ADMINISTRATIVE PROCEEDING.



**3-3713. Use of cannabis by persons under twenty-one years of age; penalties**

- A. UNLESS A PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE HAS A RECOMMENDATION FOR MEDICAL CANNABIS FROM A PHYSICIAN, THE PERSON SHALL BE REMANDED FORTHWITH BY THE ARRESTING AGENCY TO THE AUTHORITY OF THE PERSON'S PARENT OR LEGAL GUARDIAN OR IF THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE, THE PERSON'S OWN AUTHORITY.
- B. ANY PERSON WHO IS UNDER TWENTY-ONE YEARS OF AGE AND WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO THE PERSON KNOWS TO BE UNDER EIGHTEEN YEARS OF AGE IS SUBJECT TO A CIVIL PENALTY NOT TO EXCEED \$500 PER VIOLATION.
- C. ANY PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND OLDER WHO SELLS OR TRANSFERS CANNABIS CONTAINING MORE THAN .3% THC TO ANOTHER PERSON WHO THE PERSON KNOWS TO BE UNDER THE AGE OF EIGHTEEN IS SUBJECT TO CIVIL PENALTY NOT TO EXCEED \$2,500 PER VIOLATION.
- D. UNLESS OTHERWISE PROVIDED IN THIS CHAPTER, ALL VIOLATIONS OF THIS CHAPTER ARE SUBJECT TO A CIVIL PENALTY AS FOLLOWS.
  - 1. FOR THE FIRST VIOLATION, NOT TO EXCEED \$50.
  - 2. FOR THE SECOND VIOLATION, NOT TO EXCEED \$150.
  - 3. FOR THE THIRD AND SUBSEQUENT VIOLATIONS, NOT TO EXCEED \$300.
- E. NOTWITHSTANDING ANY OTHER LAW, NO SURCHARGES, FEES, OR OTHER MULTIPLIERS MAY INCREASE THE MAXIMUM CIVIL PENALTIES IN ANY AMOUNT BEYOND THOSE HERE LISTED.

**3-3714. Private property and business owners rights**

- A. THIS CHAPTER DOES NOT REQUIRE AN EMPLOYER TO ALLOW OR ACCOMMODATE THE POSSESSION OR CONSUMPTION OF CANNABIS OR CANNABIS PRODUCTS IN THE WORKPLACE AND DOES NOT AFFECT THE ABILITY OF EMPLOYERS TO ENACT AND ENFORCE WORKPLACE POLICIES RESTRICTING THE CONSUMPTION OF CANNABIS BY EMPLOYEES.
- B. THIS CHAPTER DOES NOT PROHIBIT A PERSON WHO OWNS, MANAGES OR LEASES REAL, COMMERCIAL PUBLIC OR PERSONAL PROPERTY FROM PROHIBITING OR OTHERWISE REGULATING THE POSSESSION, CONSUMPTION, PRODUCTION, PROCESSING, MANUFACTURE OR SALE OF CANNABIS AND CANNABIS PRODUCTS ON OR IN THAT PROPERTY EXCEPT THAT POSSESSION OF CANNABIS IN OR ON THE FOLLOWING PLACES SHALL NOT BE PROHIBITED:
  - 1. ON PUBLIC PROPERTY OTHER THAN IN OR ON A PUBLIC BUILDING OR MEANS OF TRANSPORTATION, AND
  - 2. ON THE PROPERTY OF ANY PUBLIC UNIVERSITY, COLLEGE, COMMUNITY COLLEGE OR POSTSECONDARY EDUCATIONAL INSTITUTION.

**3-3715. Interpretation**

IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE MATTER, IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE AMBIGUOUS OR UNCLEAR, THE COURT SHALL INTERPRET THE PROVISION AGAINST THE GOVERNMENT AND IN THE MANNER THAT IS MOST FAVORABLE TO THE INDIVIDUAL IN ANY CRIMINAL, CIVIL OR ADMINISTRATIVE PROCEEDING.

**3-3716. Severability**

IF ANY PROVISION OF THIS ACT, OR THE APPLICATION OF ANY SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID BY ANY COURT, THE REMAINDER OF THIS CHAPTER, TO THE EXTENT IT CAN BE GIVEN EFFECT, OR THE APPLICATION OF SUCH PROVISIONS TO PERSONS OR CIRCUMSTANCES OTHER THAN THOSE AS TO WHICH IT IS HELD INVALID, SHALL NOT BE AFFECTED THEREBY, AND TO THIS END THE PROVISIONS OF THIS ACT ARE SEVERABLE.

**Sec. 4. Title 42, Chapter 3, Arizona Revised Statutes, is amended by adding Article 13 to read:**

**ARTICLE 13.**

**CANNABIS AND CANNABIS PRODUCTS**

**42-3601. Levy and rates of tax**

THERE IS LEVIED AND IMPOSED AND SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE A TAX ON ALL CANNABIS AND CANNABIS PRODUCTS SOLD TO ANY PERSON BY A RETAILER THAT SHALL NOT EXCEED THE PREVAILING GENERAL RETAIL GROCERY SALES TAX LEVIED ON FOOD. THERE SHALL BE NO TAX LEVIED, IMPOSED OR COLLECTED ON CANNABIS OR CANNABIS PRODUCTS THAT ARE SOLD BY WHOLESALERS, DISTRIBUTORS, PRODUCERS, FARMERS, GROWERS, AND GARDENERS. NO CANNABIS SPECIFIC TAXES MAY BE LEVIED.



**42-3602. Disposition of revenue**

- A. EACH QUARTER THE DEPARTMENT OF REVENUE SHALL TRANSFER ALL MONIES EXCEEDING THE AMOUNT NEEDED TO IMPLEMENT AND ENFORCE TITLE 3 CHAPTER 21 IN ANY FISCAL YEAR. FORTY PERCENT OF THE MONIES SHALL BE DISTRIBUTED TO SCHOOL DISTRICTS AND CHARTER SCHOOLS IN PROPORTION TO EACH SCHOOL'S WEIGHTED STUDENT COUNT FOR THE FISCAL YEAR PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION (A), FOR EDUCATION-RELATED EXPENSES, INCLUDING COMPENSATION OF TEACHERS, CLASSIFIED EMPLOYEES, ART PROGRAMS AND OPERATION COSTS OF KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH TWELVE.
- B. ALL TAXES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE DEPOSITED, PURSUANT TO SECTIONS 35-146 AND 35-147 AND TRANSFERRED QUARTERLY TO THE STATE GENERAL FUND TO BE DISPERSED ONLY FOR K-12 EDUCATION PURPOSES.
- C. ALL MONIES COLLECTED AS PENALTIES PURSUANT TO TITLE 3 CHAPTER 21 SHALL BE PLACED IN THE STATE GENERAL FUND TO BE USED BY THE ARIZONA DEPARTMENT OF EDUCATION SOLELY FOR THE FUNDING OF SPECIAL EDUCATION PROGRAMS.

**Sec. 5. Section 13-3401, Arizona Revised Statutes is amended to read:**

**13-3401. Definitions**

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.
2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.
3. "Board" means the Arizona state board of pharmacy.
4. "Cannabis" means the following substances under whatever names they may be designated:
  - (a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.
  - (b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.
5. 4. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.
6. 5. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:
  - (a) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
    - (i) Alpha-ethyltryptamine.
    - (ii) Alpha-methyltryptamine.
    - (iii) (2-aminopropyl) benzofuran (APB).
    - (iv) (2-aminopropyl)-2, 3-dihydrobenzofuran (APDB).
    - (v) Aminorex.
    - (vi) 4-bromo-2, 5-dimethoxyphenethylamine.
    - (vii) 4-bromo-2, 5-dimethoxyamphetamine.
    - (viii) Bufotenine.
    - (ix) [3-(3-carbamoylphenyl)phenyl]N-cyclohexyl carbamate (URB-597).
    - (x) Diethyltryptamine.
    - (xi) 2, 5-dimethoxyamphetamine.
    - (xii) Dimethyltryptamine.
    - (xiii) 5-methoxy-alpha-methyltryptamine.
    - (xiv) 5-methoxy-3, 4-methylenedioxyamphetamine.
    - (xv) 4-methyl-2, 5-dimethoxyamphetamine.
    - (xvi) Ibogaine.
    - (xvii) Lysergic acid amide.
    - (xviii) Lysergic acid diethylamide.
    - (xix) Mescaline.
    - (xx) 4-methoxyamphetamine.
    - (xxi) Methoxymethylenedioxyamphetamine (MDMA).
    - (xxii) Methylenedioxyamphetamine (MDA).
    - (xxiii) 3, 4-methylenedioxy-N-methylamphetamine.
    - (xxiv) 3, 4-methylenedioxy-N-ethylamphetamine.
    - (xxv) N-ethyl-3-piperidyl benzilate (JB-318).
    - (xxvi) N-hydroxy-3, 4-methylenedioxyamphetamine.
    - (xxvii) N-methyl-3-piperidyl benzilate (JB-336).
    - (xxviii) N-methyltryptamine mimetic substances that are any substances derived from N-methyltryptamine by any substitution at the nitrogen, any substitution at the indole ring, any substitution at the alpha carbon, any substitution at the beta carbon or any combination of the above. N-methyltryptamine mimetic substances do not include melatonin (5-methoxy-n-acetyltryptamine). Substances in the N-methyltryptamine generic definition include AcO-DMT, Baecocystine, Bromo-DALT, DiPT, DMT, DPT, HO-DET, HO-DiPT, HO-DMT, HO-DPT, HO-MET, MeO-DALT, MeO-DET, MeO-DiPT, MeO-DMT, MeO-DPT, MET, NMT and Norbufotenine.
    - (xxix) N-(1-phenylcyclohexyl) ethylamine (PCE).
    - (xxx) Nabilone.
    - (xxxi) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).



- (xxxii) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- (xxxiii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- (xxxiv) Para-methoxyamphetamine (PMA).
- (xxxv) Psilacetin.
- (xxxvi) Psilocybin.
- (xxxvii) Psilocyn.
- (xxxviii) Synhexyl.
- (xxxix) Trifluoromethylphenylpiperazine (TFMPP).
- (xl) Trimethoxyamphetamine (TMA).
- (xli) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- (xlii) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- (xliii) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- (xliv) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- (xlv) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200 and isomers).
- (xlv) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- (xlvii) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone (JWH-015 and isomers).
- (xlviii) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-

210).

(xlix) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol (CP 47,497 and isomers).

(l) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).

(b) Any material, compound, mixture or preparation that contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:

(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

(ii) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(iii) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(iv) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(v) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(vi) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, fluoro-UR-144 and XLR-11.

(vii) 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the 3-adamantoylindole generic definition include AB-001.

(viii) N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Substances in the N-(adamantyl)-indole-3-carboxamide generic definition include SDB-001.

(ix) Indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the nitrogen of the carboxamide to any extent. Substances in the indazole-3-carboxamide generic definition include AKB-48, fluoro-AKB-48, APINACA, AB-PINACA and AB-FUBINACA.

(x) 8-quinolinyl-indole-3-carboxylate by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the quinoline ring to any extent. Substances in the 8-quinolinyl-indole-3-carboxylate generic definition include PB-22 and fluoro-PB-22.

(c) Any material, compound, mixture or preparation that contains any quantity of the following substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers having a potential for abuse associated with a stimulant effect on the central nervous system:

- (i) Alpha-pyrrolidinobutiophenone (Alpha-PBP).
- (ii) Alpha-pyrrolidinopropiophenone (Alpha-PPP).
- (iii) Alpha-pyrrolidinovaleophenone (Alpha-PVP).



- (iv) Alpha-pyrrolidinovalerothiophenone (Alpha-PVT).
- (v) Aminoindane mimetic substances that are derived from aminoindane by any substitution at the indane ring, replacement of the amino group with another N group or any combination of the above. Substances in the aminoindane generic definition include MDAI, MMAI, IAI and AMMI.
- (vi) Amphetamine.
- (vii) Benzphetamine.
- (viii) Benzylpiperazine (BZP).
- (ix) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).
- (x) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).
- (xi) Butorphanol.
- (xii) Cathine ((+)-norpseudoephedrine).
- (xiii) Cathinomimetic substances that are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.
- (xiv) Cathinone.
- (xv) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (xvi) Chlorphentermine.
- (xvii) Clortermine.
- (xviii) Diethylpropion.
- (xix) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).
- (xx) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (xxi) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (xxii) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (xxiii) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (xxiv) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- (xxv) Dimethylcathinone (Metamfepramone).
- (xxvi) Ethcathinone.
- (xxvii) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (xxviii) Fencamfamin.
- (xxix) Fenethylamine.
- (xxx) Fenproporex.
- (xxxi) Fluoroamphetamine.
- (xxxii) Fluoromethamphetamine.
- (xxxiii) Fluoromethcathinone.
- (xxxiv) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (xxxv) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (xxxvi) Mazindol.
- (xxxvii) Mefenorex.
- (xxxviii) Methamphetamine.
- (xxxix) Methcathinone.
- (xl) Methiopropamine.
- (xli) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- (xlii) Methoxymethcathinone (methedrone).
- (xliii) Methoxyphenethylamine mimetic substances that are any substances derived from 2, 5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom, any substitutions at the carbon atoms of the ethylamine, or any combination of the above substitutions.
- (xliv) 4-methylaminorex.
- (xlv) Methyl-a-pyrrolidinobutiophenone (MPBP).
- (xlvii) Methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP).
- (xlviii) Methylenedioxyethcathinone (Ethylone).
- (xlviii) Methylenedioxymethcathinone (Methylone).
- (xlix) Methylenedioxypyrovalerone (MDPV).
- (l) Methylmethcathinone (Mephedrone).
- (li) Methylphenidate.
- (lii) Modafinil.
- (liii) Naphthylpyrovalerone (Naphyrone).
- (liv) N-ethylamphetamine.
- (lv) N, N-dimethylamphetamine.
- (lvi) Pemoline.
- (lvii) Phendimetrazine.
- (lviii) Phenmetrazine.
- (lix) Phentermine.
- (lx) Pirradol.
- (lxi) Propylhexedrine.
- (lxii) Pyrovalerone.
- (lxiii) Sibutramine.
- (lxiv) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- (d) Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:
- (i) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, unless specifically excepted.
- (ii) Alprazolam.



- (iii) Bromazepam.
- (iv) Camazepam.
- (v) Carisoprodol.
- (vi) Chloral betaine.
- (vii) Chloral hydrate.
- (viii) Chlordiazepoxide.
- (ix) Chlorhexadol.
- (x) Clobazam.
- (xi) Clonazepam.
- (xii) Clorazepate.
- (xiii) Clotiazepam.
- (xiv) Cloxazolam.
- (xv) Delorazepam.
- (xvi) Diazepam.
- (xvii) Dichloralphenazone.
- (xviii) Estazolam.
- (xix) Ethchlorvynol.
- (xx) Ethinamate.
- (xxi) Ethyl loflazepate.
- (xxii) Fenfluramine.
- (xxiii) Fludiazepam.
- (xxiv) Flunitrazepam.
- (xxv) Flurazepam.
- (xxvi) Gamma hydroxy butyrate.
- (xxvii) Glutethimide.
- (xxviii) Halazepam.
- (xxix) Haloxazolam.
- (xxx) Hydroxyphenacyclidine (HO-PCP).
- (xxxi) Ketamine.
- (xxxii) Ketazolam.
- (xxxiii) Loprazolam.
- (xxxiv) Lorazepam.
- (xxxv) Lormetazepam.
- (xxxvi) Lysergic acid.
- (xxxvii) Mebutamate.
- (xxxviii) Mecloqualone.
- (xxxix) Medazepam.
- (xl) Meprobamate.
- (xli) Methaqualone.
- (xlii) Methohexital.
- (xliii) 2-(methoxyphenyl)-2-(ethylamino)cyclohexanone(Methoxetamine).
- (xliv) 2-(methoxyphenyl)-2-(methylamino)cyclohexanone(Methoxyketamine).
- (xlv) Methoxyphenacyclidine(MeO-PCP).
- (xlvii) Midazolam.
- (xlviii) Nimetazepam.
- (xlix) Nitrazepam.
- (l) Nordiazepam.
- (li) Oxazepam.
- (lii) Oxazolam.
- (liii) Paraldehyde.
- (liv) Petrichloral.
- (lv) Phencyclidine (PCP).
- (lvi) Phencyclidine mimetic substances that are any substances derived from phenylcyclohexylpiperidine by any substitution at the phenyl ring, any substitution at the piperidine ring, any substitution at the cyclohexyl ring, any replacement of the phenyl ring or any combination of the above. Substances in the phenylcyclohexylpiperidine generic definition include Amino-PCP, BCP, Bromo-PCP, BTCP, Chloro-PCP, Fluoro-PCP, HO-PCP, MeO-PCP, Methyl-PCP, Nitro-PCP, Oxo-PCP, PCE, PCM, PCPY, TCP and TCPY.
- (lvii) Pinazepam.
- (lviii) Prazepam.
- (lix) Scopolamine.
- (lx) Sulfondiethylmethane.
- (lxi) Sulfonethylmethane.
- (lxii) Sulfonmethane.
- (lxiii) Quazepam.
- (lxiv) Temazepam.
- (lxv) Tetrazepam.
- (lxvi) Tiletamine.
- (lxvii) Triazolam.
- (lxviii) Zaleplon.
- (lxix) Zolazepam.
- (lxx) Zolpidem.
- (e) Any material, compound, mixture or preparation that contains any quantity of the following anabolic steroids and their salts, isomers or esters:



- (i) Boldenone.
- (ii) Clostebol (4-chlorotestosterone).
- (iii) Dehydrochloromethyltestosterone.
- (iv) Drostanolone.
- (v) Ethylestrenol.
- (vi) Fluoxymesterone.
- (vii) Formebolone (formebolone).
- (viii) Mesterolone.
- (ix) Methandriol.
- (x) Methandrostenolone (methandienone).
- (xi) Methenolone.
- (xii) Methyltestosterone.
- (xiii) Mibolerone.
- (xiv) Nandrolone.
- (xv) Norethandrolon.
- (xvi) Oxandrolone.
- (xvii) Oxymesterone.
- (xviii) Oxymetholone.
- (xix) Stanolone (4-dihydrotestosterone).
- (xx) Stanozolol.
- (xxi) Testolactone.
- (xxii) Testosterone.
- (xxiii) Trenbolone.

7. 6. "Deliver" means the actual, constructive or attempted exchange from one person to another, whether or not there is an agency relationship.

8. 7. "Director" means the director of the department of health services.

9. 8. "Dispense" means distribute, leave with, give away, dispose of or deliver.

10. 9. "Drug court program" means a program that is established pursuant to section 13-3422 by the presiding judge of the superior court in cooperation with the county attorney in a county for the purpose of prosecuting, adjudicating and treating drug dependent persons who meet the criteria and guidelines for entry into the program that are developed and agreed on by the presiding judge and the prosecutor.

11. 10. "Drug dependent person" means a person who is using a substance that is listed in paragraph 6, 19, 20, 21 or 28 5, 18, 19, OR 26 of this section and who is in a state of psychological or physical dependence, or both, arising from the use of that substance.

12. 11. "Federal act" has the same meaning prescribed in section 32-1901.

13. 12. "Isoamidone" means any substance identified chemically as (4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3), or any salt of such substance, by whatever trade name designated.

14. 13. "Isonipocaine" means any substance identified chemically as (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of such substance, by whatever trade name designated.

15. 14. "Ketobemidone" means any substance identified chemically as (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any salt of such substance, by whatever trade name designated.

16. 15. "Licensed" or "permitted" means authorized by the laws of this state to do certain things.

17. 16. "Manufacture" means produce, prepare, propagate, compound, mix or process, directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis. Manufacture includes any packaging or repackaging or labeling or relabeling of containers. Manufacture does not include any producing, preparing, propagating, compounding, mixing, processing, packaging or labeling done in conformity with applicable state and local laws and rules by a licensed practitioner incident to and in the course of his licensed practice.

18. 17. "Manufacturer" means a person who manufactures a narcotic or dangerous drug or other substance controlled by this chapter.

19. ~~"Marijuana" means all parts of any plant of the genus cannabis, from which the resin has not been extracted, whether growing or not, and the seeds of such plant. Marijuana does not include the mature stalks of such plant or the sterilized seed of such plant which is incapable of germination.~~

20. 18. "Narcotic drugs" means the following, whether of natural or synthetic origin and any substance neither chemically nor physically distinguishable from them:

- (a) Acetyl-alpha-methylfentanyl.
- (b) Acetylmethadol.
- (c) Alfentanil.
- (d) Allylprodine.
- (e) Alphacetylmethadol.
- (f) Alphameprodine.
- (g) Alphamethadol.
- (h) Alpha-methylfentanyl.
- (i) Alpha-methylthiofentanyl.
- (j) Alphaprodine.
- (k) Amidone (methadone).
- (l) Anileridine.
- (m) Benzethidine.
- (n) Benzylfentanyl.
- (o) Betacetylmethadol.
- (p) Beta-hydroxyfentanyl.
- (q) Beta-hydroxy-3-methylfentanyl.
- (r) Betameprodine.
- (s) Betamethadol.
- (t) Betaprodine.



- (u) Bezitramide.
- (v) Buprenorphine and its salts.
- ~~(w) Cannabis.~~
- ~~(x) (W) Carfentanil.~~
- (y) (X) Clonitazene.
- (z) (Y) Coca leaves.
- (aa) (Z) Dextromoramide.
- (bb) (AA) Dextropropoxyphene.
- (ee) (BB) Diampromide.
- (dd) (CC) Diethylthiambutene.
- (ee) (DD) Difenoixin.
- (ff) (EE) Dihydrocodeine.
- (gg) (FF) Dimenoxadol.
- (hh) (GG) Dimepheptanol.
- (ii) (HH) Dimethylthiambutene.
- (jj) (II) Dioxaphetyl butyrate.
- (kk) (JJ) Diphenoxylate.
- (ll) (KK) Dipipanone.
- (mm) (LL) Ethylmethylthiambutene.
- (nn) (MM) Etonitazene.
- (oo) (NN) Etoxadine.
- (pp) (OO) Fentanyl.

(qq) (PP) Fentanyl mimetic substances that are any substances derived from fentanyl by any substitution in the phenethyl group, any substitution in the piperidine ring, any substitution in the aniline ring, any replacement of the phenyl portion of the phenethyl group, any replacement of the N-propionyl group or any combination of the above.

- (rr) (QQ) Furethidine.
- (ss) (RR) Hydroxypethidine.
- (tt) (SS) Isoamidone (isomethadone).
- (uu) (TT) Pethidine (meperidine).
- (vv) (UU) Ketobemidone.
- (ww) (VV) Levomethorphan.
- (xx) (WW) Levomoramide.
- (yy) (XX) Levophenacymorphan.
- (zz) (YY) Levorphanol.
- (aaa) (ZZ) Metazocine.
- (bbb) (AAA) 3-methylfentanyl.
- (eee)(bbb) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- (ddd) (CCC) 3-methylthiofentanyl.
- (eee) (DDD) Morpheridine.
- (fff) (EEE) Noracymethadol.
- (ggg) (FFF) Norlevorphanol.
- (hhh) (GGG) Normethadone.
- (iii) (HHH) Norpipanone.
- (jjj) (III) Opium.
- (kkk) (JJJ) Para-fluorofentanyl.
- (lll) (KKK) Pentazocine.
- (mmm) (LLL) Phenadoxone.
- (nnn) (MMM) Phenampromide.
- (ooo) (NNN) Phenazocine.
- (ppp) (OOO) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- (qqq) (PPP) Phenomorphan.
- (rrr) (QQQ) Phenoperidine.
- (sss) (RRR) Piminodine.
- (ttt) (SSS) Piritamide.
- (uuu) (TTT) Proheptazine.
- (vvv) (UUU) Properidine.
- (www) (VVV) Propiram.
- (xxx) (WWW) Racemethorphan.
- (yyy) (XXX) Racemoramide.
- (zzz) (YYY) Racemorphan.
- (aaaa) (ZZZ) Remifentanyl.
- (bbbb) (AAAA) Sufentanyl.
- (eeee) (BBBB) Thénylfentanyl.
- (dddd) (CCCC) Thiofentanyl.
- (eeee) (DDDD) Tilidine.
- (ffff) (EEEE) Trimeperidine.

24- 19. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

- (a) Acetorphine.
- (b) Acetyldihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine.
- (e) Codeine methylbromide.



- (f) Codeine-N-oxide.
- (g) Cyprenorphine.
- (h) Desomorphine.
- (i) Dihydromorphine.
- (j) Drotribanol.
- (k) Ethylmorphine.
- (l) Etorphine.
- (m) Heroin.
- (n) Hydrocodone.
- (o) Hydromorphanol.
- (p) Hydromorphone.
- (q) Levo-alphaacetylmethadol.
- (r) Methyldesorphine.
- (s) Methyldihydromorphine.
- (t) Metopon.
- (u) Morphine.
- (v) Morphine methylbromide.
- (w) Morphine methylsulfonate.
- (x) Morphine-N-oxide.
- (y) Myrophine.
- (z) Nalorphine.
- (aa) Nicocodeine.
- (bb) Nicomorphine.
- (cc) Normorphine.
- (dd) Oxycodone.
- (ee) Oxymorphone.
- (ff) Pholcodine.
- (gg) Thebacon.
- (hh) Thebaine.

22- 20. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product" means a product that contains ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is all of the following:

- (a) Approved for sale under the federal act.
- (b) Labeled, advertised and marketed only for an indication that is approved by the federal food and drug administration.
- (c) Either:
  - (i) A nonliquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is packaged in blister packs containing not more than two dosage units or, if the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches.
  - (ii) A liquid that is sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine.

23- 21. "Peyote" means any part of a plant of the genus *lophophora*, known as the mescal button.

24- 22. "Pharmacy" means a licensed business where drugs are compounded or dispensed by a licensed pharmacist.

25- 23. "Practitioner" means a person licensed to prescribe and administer drugs.

26- 24. "Precursor chemical I" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) N-acetylthranilic acid.
- (b) Anthranilic acid.
- (c) Ephedrine.
- (d) Ergotamine.
- (e) Isosafrole.
- (f) Lysergic acid.
- (g) Methylamine.
- (h) N-ethylephedrine.
- (i) N-ethylpseudoephedrine.
- (j) N-methylephedrine.
- (k) N-methylpseudoephedrine.
- (l) Norephedrine.
- (m) (-)-Norpseudoephedrine.
- (n) Phenylacetic acid.
- (o) Phenylpropanolamine.
- (p) Piperidine.
- (q) Pseudoephedrine.

27- 25. "Precursor chemical II" means any material, compound, mixture or preparation which contains any quantity of the following substances and their salts, optical isomers or salts of optical isomers:

- (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- (b) 4-cyano-1-methyl-4-phenylpiperidine.
- (c) Chlorephedrine.
- (d) Chlorpseudoephedrine.
- (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- (h) N-formyl amphetamine.
- (i) N-formyl methamphetamine.



- (j) Phenyl-2-propanone.
  - (k) 1-piperidinocyclohexane carbonitrile.
  - (l) 1-pyrrolidinocyclohexane carbonitrile.
- 28- 26. "Prescription-only drug" does not include a dangerous drug or narcotic drug but means:
- (a) Any drug which because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, is not generally recognized among experts, qualified by scientific training and experience to evaluate its safety and efficacy, as safe for use except by or under the supervision of a medical practitioner.
  - (b) Any drug that is limited by an approved new drug application under the federal act or section 32-1962 to use under the supervision of a medical practitioner.
  - (c) Every potentially harmful drug, the labeling of which does not bear or contain full and adequate directions for use by the consumer.
  - (d) Any drug required by the federal act to bear on its label the legend "Caution: Federal law prohibits dispensing without prescription" or "Rx only".
- 29- 27. "Produce" means grow, plant, cultivate, harvest, dry, process or prepare for sale.
- 30- 28. "Regulated chemical" means the following substances in bulk form that are not a useful part of an otherwise lawful product:
- (a) Acetic anhydride.
  - (b) Hypophosphorous acid.
  - (c) Iodine.
  - (d) Sodium acetate.
  - (e) Red phosphorus.
  - (f) Gamma butyrolactone (GBL).
  - (g) 1, 4-butanediol.
  - (h) Butyrolactone.
  - (i) 1, 2 butanolide.
  - (j) 2-oxanalone.
  - (k) Tetrahydro-2-furanone.
  - (l) Dihydro-2(3H)-furanone.
  - (m) Tetramethylene glycol.
- 31- 29. "Retailer" means either:
- (a) A person other than a practitioner who sells any precursor chemical or regulated chemical to another person for purposes of consumption and not resale, whether or not the person possesses a permit issued pursuant to title 32, chapter 18.
  - (b) A person other than a manufacturer or wholesaler who purchases, receives or acquires more than twenty-four grams of a precursor chemical.
- 32- 30. "Sale" or "sell" means an exchange for anything of value or advantage, present or prospective.
- 33- 31. "Sale for personal use" means the retail sale for a legitimate medical use in a single transaction to an individual customer, to an employer for dispensing to employees from first aid kits or medicine chests or to a school for administration pursuant to section 15-344.
- 34- 32. "Scientific purpose" means research, teaching or chemical analysis.
- 35- 33. "Suspicious transaction" means a transaction to which any of the following applies:
- (a) A report is required under the federal act.
  - (b) The circumstances would lead a reasonable person to believe that any person is attempting to possess a precursor chemical or regulated chemical for the purpose of unlawful manufacture of a dangerous drug or narcotic drug, based on such factors as the amount involved, the method of payment, the method of delivery and any past dealings with any participant.
  - (c) The transaction involves payment for precursor or regulated chemicals in cash or money orders in a total amount of more than two hundred dollars.
  - (d) The transaction involves a sale, a transfer or furnishing to a retailer for resale without a prescription of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine product.
- 36- 34. "Threshold amount" means a weight, market value or other form of measurement of an unlawful substance as follows:
- (a) One gram of heroin.
  - (b) Nine grams of cocaine.
  - (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed cocaine.
  - (d) Four grams or 50 milliliters of PCP.
  - (e) Nine grams of methamphetamine, including methamphetamine in liquid suspension.
  - (f) Nine grams of amphetamine, including amphetamine in liquid suspension.
  - (g) One-half milliliter of lysergic acid diethylamide, or in the case of blotter dosage units fifty dosage units.
  - ~~(h) Two pounds of marijuana.~~
  - (i) (H) For any combination consisting solely of those unlawful substances listed in subdivisions (a) through (h) of this paragraph, an amount equal to or in excess of the threshold amount, as determined by the application of section 13-3420.
  - (j) (I) For any unlawful substance not listed in subdivisions (a) through (h) of this paragraph or any combination involving any unlawful substance not listed in subdivisions (a) through (h) of this paragraph, a value of at least one thousand dollars.
- 37- 35. "Transfer" means furnish, deliver or give away.
- 38- 36. "Vapor-releasing substance containing a toxic substance" means a material which releases vapors or fumes containing any of the following:
- (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak, isophorone and mesityl oxide.
  - (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane and halogenated hydrocarbons.
  - (c) Ethylene dichloride.
  - (d) Pentachlorophenol.
  - (e) Chloroform.
  - (f) Methylene chloride.
  - (g) Trichloroethylene.
  - (h) Difluoroethane.
  - (i) Tetrafluoroethane.



- (j) Aldehydes, including formaldehyde.
- (k) Acetates, including ethyl acetate and butyl acetate.
- (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and cumene.
- (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl alcohol, butyl alcohol and diacetone alcohol.
- (n) Ether, including Diethyl ether and petroleum ether.
- (o) Nitrous oxide.
- (p) Amyl nitrite.
- (q) Isobutyl nitrite.

39. 37. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40. 38. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

**Sec. 6.** Section 36-2501, Arizona Revised Statutes is amended to read:

**36-2501. Definitions**

A. In this chapter, unless the context otherwise requires:

1. "Board" means the Arizona state board of pharmacy.

2. "Cannabis" means the following substances under whatever names they may be designated:

(a) ~~Marijuana.~~

(b) (A) All parts of any plant of the genus cannabis, whether growing or not, its seeds, the resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.

(c) (B) Every compound, manufacture, salt, derivative, mixture or preparation of such resin, tetrahydrocannabinol (T.H.C.), or of such plants from which the resin has not been extracted.

3. "Controlled substance" means a drug, substance or immediate precursor in schedules I through V of article 2 of this chapter.

4. "Department" means the department of public safety.

5. "Drug dependent person" means a person who is using a controlled substance and who is in a state of psychic or physical dependence, or both, arising from the use of that substance on a continuous basis. Drug dependence is characterized by behavioral and other responses which include a strong compulsion to take the substance on a continuing basis in order to experience its psychic effects or to avoid the discomfort caused by its absence.

6. "Drug enforcement administration" means the drug enforcement administration of the department of justice of the United States or its successor agency.

7. "Immediate precursor" means a substance which the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

8. "Narcotic drug" means any of the following 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, derivation or preparation of opium or opiate.

(b) Any salt, compound, isomer, derivative or preparation which is chemically equivalent or identical with any of the substances referred to in subdivision (a) of this paragraph but not including the isoquinoline alkaloids of opium.

(c) Opium poppy and poppy straw.

(d) Coca leaves and any salt, compound, derivation or preparation of coca leaves including cocaine and its optical isomers and any salt, compound, isomer, derivation or preparation which is chemically equivalent or identical with any of these substances but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(e) Cannabis.

9. "Opiate" means any substance having an addictionforming or addictionsustaining liability similar to morphine or being capable of conversion into a drug having addictionforming or addictionsustaining liability. It does not include the dextrorotatory isomer of 3methoxymethylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

10. "Opium poppy" means the plant of the genus papaver, except its seeds.

11. "Poppy straw" means all parts, except the seeds, of the opium poppy after mowing.

12. "Production" means the manufacture, planting, cultivating, growing or harvesting of a controlled substance.

13. "Registrant" means a person registered under the provisions of the federal controlled substances act (P.L. 91513; 84 Stat. 1242; 21

U.S.C. sec. 801 et seq.).

14. "Schedule I controlled substances" means the controlled substances identified, defined or listed in section 362512.

15. "Schedule II controlled substances" means the controlled substances identified, defined or listed in section 362513.

16. "Schedule III controlled substances" means the controlled substances identified, defined or listed in section 362514.

17. "Schedule IV controlled substances" means the controlled substances identified, defined or listed in section 362515.

18. "Schedule V controlled substances" means the controlled substances identified, defined or listed in section 362516.

19. "Scientific purpose" means research, teaching or chemical analysis.

20. "State", when applied to a part of the United States, means any state, district, commonwealth, territory or insular possession of the United States and any area subject to the legal authority of the United States of America.

B. Words or phrases in this chapter, if not defined in subsection A of this section, have the definitions given them in title 32, chapter 18, article 1, unless the context otherwise requires.



**Sec. 7.** Section 36-2512, Arizona Revised Statutes is amended to read:

**36-2512.** Substances in schedule I

A. The following controlled substances, unless specifically excepted, are included in schedule I:

1. Any of the following, including opiates and their isomers, esters, ethers, salts and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (a) Acetyl- $\alpha$ -methylfentanyl.
- (b) Acetylmethadol.
- (c) Allylprodine.
- (d) Alphacetylmethadol, except levo- $\alpha$ -phacetylmethadol or LAAM.
- (e) Alphameprodine.
- (f) Alphamethadol.
- (g) Alpha-methylfentanyl.
- (h) Alpha-methylthiofentanyl.
- (i) Benzethidine.
- (j) Betacetylmethadol.
- (k) Beta-hydroxyfentanyl.
- (l) Beta-hydroxy-3-methylfentanyl.
- (m) Betameprodine.
- (n) Betamethadol.
- (o) Betaprodine.
- (p) Clonitazene.
- (q) Dextromoramide.
- (r) Diampromide.
- (s) Diethylthiambutene.
- (t) Difenoazin.
- (u) Dimenoxadol.
- (v) Dimepheptanol.
- (w) Dimethylthiambutene.
- (x) Dioxaphetyl butyrate.
- (y) Dipipanone.
- (z) Ethylmethylthiambutene.
- (aa) Etonitazene.
- (bb) Etoxeridine.
- (cc) Furethidine.
- (dd) Hydroxypethidine.
- (ee) Ketobemidone.
- (ff) Levomoramide.
- (gg) Levophenacetyl morphan.
- (hh) 3-methylfentanyl.
- (ii) 3-methylthiofentanyl.
- (jj) Morpheridine.
- (kk) MPPP(1-methyl-4-phenyl-4-propionoxypiperidine).
- (ll) Noracymethadol.
- (mm) Norlevorphanol.
- (nn) Normethadone.
- (oo) Noripipanone.
- (pp) Para-fluorofentanyl.
- (qq) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine).
- (rr) Phenadoxone.
- (ss) Phenampromide.
- (tt) Phenomorphan.
- (uu) Phenoperidine.
- (vv) Piritramide.
- (ww) Proheptazine.
- (xx) Properidine.
- (yy) Propiram.
- (zz) Racemoramide.
- (aaa) Thiofentanyl.
- (bbb) Tilidine.
- (ccc) Trimeperidine.

2. Any of the following opium derivatives and their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Acetorphine.
- (b) Acetyl dihydrocodeine.
- (c) Benzylmorphine.
- (d) Codeine methylbromide.
- (e) Codeine-n-oxide.
- (f) Cyprenorphine.
- (g) Desomorphine.
- (h) Dihydromorphine.



- (i) Drotribanol.
- (j) Etorphine, except hydrochloride salt.
- (k) Heroin.
- (l) Hydromorphanol.
- (m) Methylodesorphine.
- (n) Methylidihydromorphine.
- (o) Morphine methylbromide.
- (p) Morphine methylsulfonate.
- (q) Morphine-n-oxide.
- (r) Myrophine.
- (s) Nicocodine.
- (t) Nicomorphine.
- (u) Normorphine.
- (v) Pholcodine.
- (w) Thebacon.

3. Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances and their salts, isomers and salts of isomers, unless specifically excepted or unless listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation (for the purposes of this paragraph, "isomer" includes the optical, position and geometric isomers):

- (a) Alpha-ethyltryptamine (AET).
- (b) 4-bromo-2, 5-dimethoxyamphetamine.
- (c) 4-bromo-2,5-dimethoxyphenethylamine (2C-B, Nexus).
- (d) 2, 5-dimethoxyamphetamine.
- (e) 2,5-dimethoxy-4-ethylamphetamine (DOET).
- (f) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).
- (g) 4-methoxyamphetamine.
- (h) 5-methoxy-3, 4-methylenedioxyamphetamine.
- (i) 4-methyl-2, 5-dimethoxyamphetamine.
- (j) 3,4-methylenedioxy amphetamine.
- (k) 3, 4-methylenedioxy methamphetamine (MDMA).
- (l) 3, 4-methylenedioxy-N-ethylamphetamine (N-ethyl MDA, MDE, MDEA).
- (m) N-hydroxy-3,4-methylenedioxyamphetamine (N-hydroxy MDA).
- (n) 3, 4, 5-trimethoxy amphetamine.
- (o) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT).
- (p) Alpha-methyltryptamine (AMT).
- (q) Bufotenine.
- (r) Diethyltryptamine.
- (s) Dimethyltryptamine.
- (t) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT).
- (u) Ibogaine.
- (v) Lysergic acid diethylamide.
- (w) ~~Cannabis, except the synthetic isomer of delta-9-tetrahydrocannabinol.~~
- (x) (W) Mescaline.
- (y) (X) Parahexyl.
- (z) (Y) Peyote.
- (aa) (Z) N-ethyl-3-piperidyl benzilate.
- (bb) (AA) N-methyl-3-piperidyl benzilate.
- (cc) (BB) Psilocybin.
- (dd) (CC) Psilocyn.
- (ee) (DD) Ethylamine analog of phencyclidine.
- (ff) (EE) Pyrrolidine analog of phencyclidine.
- (gg) (FF) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine.
- (hh) (GG) Thiophene analog of phencyclidine.
- (ii) (HH) 4-methylmethcathinone (Mephedrone).
- (jj) (II) 3,4-methylenedioxypyrovalerone (MDPV).
- (kk) (JJ) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- (ll) (KK) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D).
- (mm) (LL) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- (nn) (MM) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- (oo) (NN) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
- (pp) (OO) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
- (qq) (PP) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H).
- (rr) (QQ) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (ss) (RR) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- (tt) (SS) 3,4-methylenedioxy-N-methylcathinone (Methylone).
- (uu) (TT) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe, Cimbi-5).
- (vv) (UU) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe, Cimbi-82).
- (ww) (VV) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe, Cimbi-36).

4. Any material, compound, mixture or preparation which contains any quantity of cannabimimetic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation. For the purposes of this subdivision, "cannabimimetic substances" means any substances within the following structural classes:



(a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent. Substances in the 2-(3-hydroxycyclohexyl)phenol generic definition include CP-47,497, CP-47,497 C8-Homolog, CP-55,940 and CP-56,667.

(b) 3-(naphthoyl)indole or 3-(naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent. Substances in the 3-(naphthoyl)indole generic definition include AM-678, AM-2201, JWH-004, JWH-007, JWH-009, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-175, JWH-180, JWH-181, JWH-182, JWH-184, JWH-185, JWH-189, JWH-192, JWH-193, JWH-194, JWH-195, JWH-196, JWH-197, JWH-199, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414 and JWH-415.

(c) 3-(naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent. Substances in the 3-(naphthoyl)pyrrole generic definition include JWH-030, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373 and JWH-392.

(d) 1-(naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent. Substances in the 1-(naphthylmethylene)indene generic definition include JWH-176.

(e) 3-(phenylacetyl)indole or 3-(benzoyl)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent. Substances in the 3-(phenylacetyl)indole generic definition include AM-694, AM-2233, JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-4, RCS-8, SR-18 and SR-19.

(f) 3-(cyclopropylmethanone) indole or 3-(cyclobutylmethanone) indole or 3-(cyclopentylmethanone) indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent. Substances in the 3-(cyclopropylmethanone) indole generic definition include UR-144, Fluoro-UR-144 and XLR-11.

(g) Other substances:

(i) (6a,10a)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210).

(ii) N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48).

(iii) Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22).

(iv) Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22).

(v) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA).

(vi) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (ADB-PINACA).

5. Any of the following substances having a depressant effect on the central nervous system, including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Mecloqualone.

(b) Methaqualone.

6. Gamma-hydroxybutyric acid, any salt, hydroxybutyric compound, derivative or preparation of gamma-hydroxybutyric acid, including any isomers, esters and ethers and salts of isomers, esters and ethers of gamma-hydroxybutyric acid, except gamma-butyrolactone if the existence of the isomers, esters and salts is possible within the specific chemical designation. Notwithstanding any other provision of the federal food, drug and cosmetic act, for purposes of security requirements imposed by law or regulation on registered distributors and registered manufacturers, this substance if manufactured, distributed or processed in accordance with an exemption approved under section 505 of the federal food, drug and cosmetic act is a controlled substance in schedule III pursuant to section 36-2514.

7. Any of the following stimulants including their salts, isomers and salts of isomers, unless specifically excepted or listed in another schedule, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(a) Alpha-methylaminovalelphenone (Pentedrone).

(b) Alpha-pyrrolidinobutiophenone (Alpha-PBP).

(c) Alpha-pyrrolidinopropiophenone (Alpha-PPP).

(d) Alpha-pyrrolidinovalerophenone (Alpha-PVP).

(e) Aminorex.

(f) N-benzylpiperazine (BZP).

(g) Beta-keto-n-methylbenzodioxolylbutanamine (Butylone).

(h) Beta-keto-n-methylbenzodioxolylpentanamine (Pentylone).

(i) Cathinomimetic substances which are any substances derived from cathinone, (2-amino-1-phenyl-1-propanone) by any substitution at the phenyl ring, any substitution at the 3 position, any substitution at the nitrogen atom or any combination of the above substitutions.

(j) (+)cis-4-methylaminorex((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).

(k) Dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).

(l) Dimethylcathinone (Metamfepramone).

(m) Ethcathinone.

(n) Fenethylamine.

(o) 3-fluoro-N-methylcathinone (3-FMC).

(p) 4-fluoro-N-methylcathinone (4-FMC, Flephedrone).

(q) Methcathinone.

(r) Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

(s) Methoxyphenethylamine mimetic substances which are any substances derived from 2,5-dimethoxy-phenethylamine by any substitution at the phenyl ring, any substitution at the nitrogen atom or any combination of the above substitutions.

(t) Methyl-alpha-pyrrolidinobutiophenone (MPBP).

(u) 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).



- (v) 4-methyl-N-ethylcathinone (4-MEC).
- (w) Methylenedioxy- $\alpha$ -hapyrrolidinopropiophenone (MDPPP).
- (x) Methylenedioxyethylcathinone (Ethylone).
- (y) N-ethylamphetamine.
- (z) Naphthypyrovalerone (Naphyrone).
- (aa) N,N-dimethylamphetamine.

B. The board may except by rule any compound, mixture or preparation containing any substance listed in this section from the application of all or any part of this chapter if the compound, mixture or preparation contains one or more active medicinal ingredients and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiates the potential for abuse.

**Sec. 8. Effective Date**

THIS ACT SHALL BE EFFECTIVE IMMEDIATELY UPON VOTER APPROVAL.