

As Introduced

**130th General Assembly
Regular Session
2013-2014**

S. B. No. 372

Senator Eklund

Cosponsors: Senators Manning, Patton, Lehner, Seitz, Uecker

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A B I L L

To amend sections 119.03, 3719.01, 3719.41, and 1
3719.43 and to enact sections 109.44, 3719.45, and 2
3719.46 of the Revised Code authorizing the Ohio 3
Attorney General to place certain substances on 4
controlled substances schedule I. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 119.03, 3719.01, 3719.41, and 6
3719.43 be amended and sections 109.44, 3719.45, and 3719.46 of 7
the Revised Code be enacted to read as follows: 8

Sec. 109.44. The attorney general shall compile and 9
periodically update a list of compounds, mixtures, preparations, 10
and substances that pursuant to section 3719.45 or 3719.46 of the 11
Revised Code are added to or removed from controlled substance 12
schedule I established in section 3719.41 of the Revised Code and 13
maintain a copy of the list on the internet web site maintained by 14
the attorney general. The attorney general shall also include on 15
the web site a notation that the Revised Code's list of schedule I 16
controlled substances is contained in section 3719.41 of the 17
Revised Code. 18

Sec. 119.03. In the adoption, amendment, or rescission of any rule, an agency shall comply with the following procedure:

(A) Reasonable public notice shall be given in the register of Ohio at least thirty days prior to the date set for a hearing, in the form the agency determines. The agency shall file copies of the public notice under division (B) of this section. (The agency gives public notice in the register of Ohio when the public notice is published in the register under that division.)

The public notice shall include:

(1) A statement of the agency's intention to consider adopting, amending, or rescinding a rule;

(2) A synopsis of the proposed rule, amendment, or rule to be rescinded or a general statement of the subject matter to which the proposed rule, amendment, or rescission relates;

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule;

(4) The date, time, and place of a hearing on the proposed action, which shall be not earlier than the thirty-first nor later than the fortieth day after the proposed rule, amendment, or rescission is filed under division (B) of this section.

In addition to public notice given in the register of Ohio, the agency may give whatever other notice it reasonably considers necessary to ensure notice constructively is given to all persons who are subject to or affected by the proposed rule, amendment, or rescission.

The agency shall provide a copy of the public notice required under division (A) of this section to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

(B) The full text of the proposed rule, amendment, or rule to

be rescinded, accompanied by the public notice required under 49
division (A) of this section, shall be filed in electronic form 50
with the secretary of state and with the director of the 51
legislative service commission. (If in compliance with this 52
division an agency files more than one proposed rule, amendment, 53
or rescission at the same time, and has prepared a public notice 54
under division (A) of this section that applies to more than one 55
of the proposed rules, amendments, or rescissions, the agency 56
shall file only one notice with the secretary of state and with 57
the director for all of the proposed rules, amendments, or 58
rescissions to which the notice applies.) The proposed rule, 59
amendment, or rescission and public notice shall be filed as 60
required by this division at least sixty-five days prior to the 61
date on which the agency, in accordance with division (D) of this 62
section, issues an order adopting the proposed rule, amendment, or 63
rescission. 64

If the proposed rule, amendment, or rescission incorporates a 65
text or other material by reference, the agency shall comply with 66
sections 121.71 to 121.76 of the Revised Code. 67

The proposed rule, amendment, or rescission shall be 68
available for at least thirty days prior to the date of the 69
hearing at the office of the agency in printed or other legible 70
form without charge to any person affected by the proposal. 71
Failure to furnish such text to any person requesting it shall not 72
invalidate any action of the agency in connection therewith. 73

If the agency files a substantive revision in the text of the 74
proposed rule, amendment, or rescission under division (H) of this 75
section, it shall also promptly file the full text of the proposed 76
rule, amendment, or rescission in its revised form in electronic 77
form with the secretary of state and with the director of the 78
legislative service commission. 79

The agency shall file the rule summary and fiscal analysis 80

prepared under section 127.18 of the Revised Code in electronic 81
form along with a proposed rule, amendment, or rescission or 82
proposed rule, amendment, or rescission in revised form that is 83
filed with the secretary of state or the director of the 84
legislative service commission. 85

The director of the legislative service commission shall 86
publish in the register of Ohio the full text of the original and 87
each revised version of a proposed rule, amendment, or rescission; 88
the full text of a public notice; and the full text of a rule 89
summary and fiscal analysis that is filed with the director under 90
this division. 91

(C) On the date and at the time and place designated in the 92
notice, the agency shall conduct a public hearing at which any 93
person affected by the proposed action of the agency may appear 94
and be heard in person, by the person's attorney, or both, may 95
present the person's position, arguments, or contentions, orally 96
or in writing, offer and examine witnesses, and present evidence 97
tending to show that the proposed rule, amendment, or rescission, 98
if adopted or effectuated, will be unreasonable or unlawful. An 99
agency may permit persons affected by the proposed rule, 100
amendment, or rescission to present their positions, arguments, or 101
contentions in writing, not only at the hearing, but also for a 102
reasonable period before, after, or both before and after the 103
hearing. A person who presents a position or arguments or 104
contentions in writing before or after the hearing is not required 105
to appear at the hearing. 106

At the hearing, the testimony shall be recorded. Such record 107
shall be made at the expense of the agency. The agency is required 108
to transcribe a record that is not sight readable only if a person 109
requests transcription of all or part of the record and agrees to 110
reimburse the agency for the costs of the transcription. An agency 111
may require the person to pay in advance all or part of the cost 112

of the transcription. 113

In any hearing under this section the agency may administer 114
oaths or affirmations. 115

(D) After complying with divisions (A), (B), (C), and (H) of 116
this section, and when the time for legislative review and 117
invalidation under division (I) of this section has expired, the 118
agency may issue an order adopting the proposed rule or the 119
proposed amendment or rescission of the rule, consistent with the 120
synopsis or general statement included in the public notice. At 121
that time the agency shall designate the effective date of the 122
rule, amendment, or rescission, which shall not be earlier than 123
the tenth day after the rule, amendment, or rescission has been 124
filed in its final form as provided in section 119.04 of the 125
Revised Code. 126

(E) Prior to the effective date of a rule, amendment, or 127
rescission, the agency shall make a reasonable effort to inform 128
those affected by the rule, amendment, or rescission and to have 129
available for distribution to those requesting it the full text of 130
the rule as adopted or as amended. 131

(F) If the governor, upon the request of an agency, 132
determines that an emergency requires the immediate adoption, 133
amendment, or rescission of a rule, the governor shall issue an 134
order, the text of which shall be filed in electronic form with 135
the agency, the secretary of state, the director of the 136
legislative service commission, and the joint committee on agency 137
rule review, that the procedure prescribed by this section with 138
respect to the adoption, amendment, or rescission of a specified 139
rule is suspended. The agency may then adopt immediately the 140
emergency rule, amendment, or rescission and it becomes effective 141
on the date the rule, amendment, or rescission, in final form and 142
in compliance with division (A)(2) of section 119.04 of the 143
Revised Code, is filed in electronic form with the secretary of 144

state, the director of the legislative service commission, and the 145
joint committee on agency rule review. If all filings are not 146
completed on the same day, the emergency rule, amendment, or 147
rescission shall be effective on the day on which the latest 148
filing is completed. The director shall publish the full text of 149
the emergency rule, amendment, or rescission in the register of 150
Ohio. 151

The emergency rule, amendment, or rescission shall become 152
invalid at the end of the ninetieth day it is in effect. Prior to 153
that date the agency may adopt the emergency rule, amendment, or 154
rescission as a nonemergency rule, amendment, or rescission by 155
complying with the procedure prescribed by this section for the 156
adoption, amendment, and rescission of nonemergency rules. The 157
agency shall not use the procedure of this division to readopt the 158
emergency rule, amendment, or rescission so that, upon the 159
emergency rule, amendment, or rescission becoming invalid under 160
this division, the emergency rule, amendment, or rescission will 161
continue in effect without interruption for another ninety-day 162
period, except when division (I)(2)(a) of this section prevents 163
the agency from adopting the emergency rule, amendment, or 164
rescission as a nonemergency rule, amendment, or rescission within 165
the ninety-day period. 166

This division does not apply to the adoption of any emergency 167
rule, amendment, or rescission by the ~~tax commissioner~~ director of 168
development under division (C)(2) of section 5117.02 of the 169
Revised Code or to the adoption of any emergency rule by the 170
attorney general under section 3719.46 of the Revised Code. 171

(G) Rules adopted by an authority within the department of 172
job and family services for the administration or enforcement of 173
Chapter 4141. of the Revised Code or of the department of taxation 174
shall be effective without a hearing as provided by this section 175
if the statutes pertaining to such agency specifically give a 176

right of appeal to the board of tax appeals or to a higher 177
authority within the agency or to a court, and also give the 178
appellant a right to a hearing on such appeal. This division does 179
not apply to the adoption of any rule, amendment, or rescission by 180
the tax commissioner under division (C)(1) or (2) of section 181
5117.02 of the Revised Code, or deny the right to file an action 182
for declaratory judgment as provided in Chapter 2721. of the 183
Revised Code from the decision of the board of tax appeals or of 184
the higher authority within such agency. 185

(H) When any agency files a proposed rule, amendment, or 186
rescission under division (B) of this section, it shall also file 187
in electronic form with the joint committee on agency rule review 188
the full text of the proposed rule, amendment, or rule to be 189
rescinded in the same form and the public notice required under 190
division (A) of this section. (If in compliance with this division 191
an agency files more than one proposed rule, amendment, or 192
rescission at the same time, and has given a public notice under 193
division (A) of this section that applies to more than one of the 194
proposed rules, amendments, or rescissions, the agency shall file 195
only one notice with the joint committee for all of the proposed 196
rules, amendments, or rescissions to which the notice applies.) If 197
the agency makes a substantive revision in a proposed rule, 198
amendment, or rescission after it is filed with the joint 199
committee, the agency shall promptly file the full text of the 200
proposed rule, amendment, or rescission in its revised form in 201
electronic form with the joint committee. The latest version of a 202
proposed rule, amendment, or rescission as filed with the joint 203
committee supersedes each earlier version of the text of the same 204
proposed rule, amendment, or rescission. An agency shall file the 205
rule summary and fiscal analysis prepared under section 127.18 of 206
the Revised Code in electronic form along with a proposed rule, 207
amendment, or rescission, and along with a proposed rule, 208
amendment, or rescission in revised form, that is filed under this 209

division. If a proposed rule, amendment, or rescission has an 210
adverse impact on businesses, the agency also shall file the 211
business impact analysis, any recommendations received from the 212
common sense initiative office, and the agency's memorandum of 213
response, if any, in electronic form along with the proposed rule, 214
amendment, or rescission, or along with the proposed rule, 215
amendment, or rescission in revised form, that is filed under this 216
division. 217

This division does not apply to: 218

(1) An emergency rule, amendment, or rescission; 219

(2) Any proposed rule, amendment, or rescission that must be 220
adopted verbatim by an agency pursuant to federal law or rule, to 221
become effective within sixty days of adoption, in order to 222
continue the operation of a federally reimbursed program in this 223
state, so long as the proposed rule contains both of the 224
following: 225

(a) A statement that it is proposed for the purpose of 226
complying with a federal law or rule; 227

(b) A citation to the federal law or rule that requires 228
verbatim compliance. 229

If a rule or amendment is exempt from legislative review 230
under division (H)(2) of this section, and if the federal law or 231
rule pursuant to which the rule or amendment was adopted expires, 232
is repealed or rescinded, or otherwise terminates, the rule or 233
amendment, or its rescission, is thereafter subject to legislative 234
review under division (H) of this section. 235

(I)(1) The joint committee on agency rule review may 236
recommend the adoption of a concurrent resolution invalidating a 237
proposed rule, amendment, rescission, or part thereof if it finds 238
any of the following: 239

(a) That the rule-making agency has exceeded the scope of its 240
statutory authority in proposing the rule, amendment, or 241
rescission; 242

(b) That the proposed rule, amendment, or rescission 243
conflicts with another rule, amendment, or rescission adopted by 244
the same or a different rule-making agency; 245

(c) That the proposed rule, amendment, or rescission 246
conflicts with the legislative intent in enacting the statute 247
under which the rule-making agency proposed the rule, amendment, 248
or rescission; 249

(d) That the rule-making agency has failed to prepare a 250
complete and accurate rule summary and fiscal analysis of the 251
proposed rule, amendment, or rescission as required by section 252
127.18 of the Revised Code; 253

(e) That the proposed rule, amendment, or rescission 254
incorporates a text or other material by reference and either the 255
rule-making agency has failed to file the text or other material 256
incorporated by reference as required by section 121.73 of the 257
Revised Code or, in the case of a proposed rule or amendment, the 258
incorporation by reference fails to meet the standards stated in 259
section 121.72, 121.75, or 121.76 of the Revised Code; 260

(f) That the rule-making agency has failed to demonstrate 261
through the business impact analysis, recommendations from the 262
common sense initiative office, and the memorandum of response the 263
agency has filed under division (H) of this section that the 264
regulatory intent of the proposed rule, amendment, or rescission 265
justifies its adverse impact on businesses in this state. 266

The joint committee shall not hold its public hearing on a 267
proposed rule, amendment, or rescission earlier than the 268
forty-first day after the original version of the proposed rule, 269
amendment, or rescission was filed with the joint committee. 270

The house of representatives and senate may adopt a 271
concurrent resolution invalidating a proposed rule, amendment, 272
rescission, or part thereof. The concurrent resolution shall state 273
which of the specific rules, amendments, rescissions, or parts 274
thereof are invalidated. A concurrent resolution invalidating a 275
proposed rule, amendment, or rescission shall be adopted not later 276
than the sixty-fifth day after the original version of the text of 277
the proposed rule, amendment, or rescission is filed with the 278
joint committee, except that if more than thirty-five days after 279
the original version is filed the rule-making agency either files 280
a revised version of the text of the proposed rule, amendment, or 281
rescission, or revises the rule summary and fiscal analysis in 282
accordance with division (I)(4) of this section, a concurrent 283
resolution invalidating the proposed rule, amendment, or 284
rescission shall be adopted not later than the thirtieth day after 285
the revised version of the proposed rule or rule summary and 286
fiscal analysis is filed. If, after the joint committee on agency 287
rule review recommends the adoption of a concurrent resolution 288
invalidating a proposed rule, amendment, rescission, or part 289
thereof, the house of representatives or senate does not, within 290
the time remaining for adoption of the concurrent resolution, hold 291
five floor sessions at which its journal records a roll call vote 292
disclosing a sufficient number of members in attendance to pass a 293
bill, the time within which that house may adopt the concurrent 294
resolution is extended until it has held five such floor sessions. 295

Within five days after the adoption of a concurrent 296
resolution invalidating a proposed rule, amendment, rescission, or 297
part thereof, the clerk of the senate shall send the rule-making 298
agency, the secretary of state, and the director of the 299
legislative service commission in electronic form a certified text 300
of the resolution together with a certification stating the date 301
on which the resolution takes effect. The secretary of state and 302
the director of the legislative service commission shall each note 303

the invalidity of the proposed rule, amendment, rescission, or 304
part thereof, and shall each remove the invalid proposed rule, 305
amendment, rescission, or part thereof from the file of proposed 306
rules. The rule-making agency shall not proceed to adopt in 307
accordance with division (D) of this section, or to file in 308
accordance with division (B)(1) of section 111.15 of the Revised 309
Code, any version of a proposed rule, amendment, rescission, or 310
part thereof that has been invalidated by concurrent resolution. 311

Unless the house of representatives and senate adopt a 312
concurrent resolution invalidating a proposed rule, amendment, 313
rescission, or part thereof within the time specified by this 314
division, the rule-making agency may proceed to adopt in 315
accordance with division (D) of this section, or to file in 316
accordance with division (B)(1) of section 111.15 of the Revised 317
Code, the latest version of the proposed rule, amendment, or 318
rescission as filed with the joint committee. If by concurrent 319
resolution certain of the rules, amendments, rescissions, or parts 320
thereof are specifically invalidated, the rule-making agency may 321
proceed to adopt, in accordance with division (D) of this section, 322
or to file in accordance with division (B)(1) of section 111.15 of 323
the Revised Code, the latest version of the proposed rules, 324
amendments, rescissions, or parts thereof as filed with the joint 325
committee that are not specifically invalidated. The rule-making 326
agency may not revise or amend any proposed rule, amendment, 327
rescission, or part thereof that has not been invalidated except 328
as provided in this chapter or in section 111.15 of the Revised 329
Code. 330

(2)(a) A proposed rule, amendment, or rescission that is 331
filed with the joint committee under division (H) of this section 332
or division (D) of section 111.15 of the Revised Code shall be 333
carried over for legislative review to the next succeeding regular 334
session of the general assembly if the original or any revised 335

version of the proposed rule, amendment, or rescission is filed 336
with the joint committee on or after the first day of December of 337
any year. 338

(b) The latest version of any proposed rule, amendment, or 339
rescission that is subject to division (I)(2)(a) of this section, 340
as filed with the joint committee, is subject to legislative 341
review and invalidation in the next succeeding regular session of 342
the general assembly in the same manner as if it were the original 343
version of a proposed rule, amendment, or rescission that had been 344
filed with the joint committee for the first time on the first day 345
of the session. A rule-making agency shall not adopt in accordance 346
with division (D) of this section, or file in accordance with 347
division (B)(1) of section 111.15 of the Revised Code, any version 348
of a proposed rule, amendment, or rescission that is subject to 349
division (I)(2)(a) of this section until the time for legislative 350
review and invalidation, as contemplated by division (I)(2)(b) of 351
this section, has expired. 352

(3) Invalidation of any version of a proposed rule, 353
amendment, rescission, or part thereof by concurrent resolution 354
shall prevent the rule-making agency from instituting or 355
continuing proceedings to adopt any version of the same proposed 356
rule, amendment, rescission, or part thereof for the duration of 357
the general assembly that invalidated the proposed rule, 358
amendment, rescission, or part thereof unless the same general 359
assembly adopts a concurrent resolution permitting the rule-making 360
agency to institute or continue such proceedings. 361

The failure of the general assembly to invalidate a proposed 362
rule, amendment, rescission, or part thereof under this section 363
shall not be construed as a ratification of the lawfulness or 364
reasonableness of the proposed rule, amendment, rescission, or any 365
part thereof or of the validity of the procedure by which the 366
proposed rule, amendment, rescission, or any part thereof was 367

proposed or adopted. 368

(4) In lieu of recommending a concurrent resolution to 369
invalidate a proposed rule, amendment, rescission, or part thereof 370
because the rule-making agency has failed to prepare a complete 371
and accurate fiscal analysis, the joint committee on agency rule 372
review may issue, on a one-time basis, for rules, amendments, 373
rescissions, or parts thereof that have a fiscal effect on school 374
districts, counties, townships, or municipal corporations, a 375
finding that the rule summary and fiscal analysis is incomplete or 376
inaccurate and order the rule-making agency to revise the rule 377
summary and fiscal analysis and refile it with the proposed rule, 378
amendment, rescission, or part thereof. If an emergency rule is 379
filed as a nonemergency rule before the end of the ninetieth day 380
of the emergency rule's effectiveness, and the joint committee 381
issues a finding and orders the rule-making agency to refile under 382
division (I)(4) of this section, the governor may also issue an 383
order stating that the emergency rule shall remain in effect for 384
an additional sixty days after the ninetieth day of the emergency 385
rule's effectiveness. The governor's orders shall be filed in 386
accordance with division (F) of this section. The joint committee 387
shall send in electronic form to the rule-making agency, the 388
secretary of state, and the director of the legislative service 389
commission a certified text of the finding and order to revise the 390
rule summary and fiscal analysis, which shall take immediate 391
effect. 392

An order issued under division (I)(4) of this section shall 393
prevent the rule-making agency from instituting or continuing 394
proceedings to adopt any version of the proposed rule, amendment, 395
rescission, or part thereof until the rule-making agency revises 396
the rule summary and fiscal analysis and refiles it in electronic 397
form with the joint committee along with the proposed rule, 398
amendment, rescission, or part thereof. If the joint committee 399

finds the rule summary and fiscal analysis to be complete and 400
accurate, the joint committee shall issue a new order noting that 401
the rule-making agency has revised and refiled a complete and 402
accurate rule summary and fiscal analysis. The joint committee 403
shall send in electronic form to the rule-making agency, the 404
secretary of state, and the director of the legislative service 405
commission a certified text of this new order. The secretary of 406
state and the director of the legislative service commission shall 407
each link this order to the proposed rule, amendment, rescission, 408
or part thereof. The rule-making agency may then proceed to adopt 409
in accordance with division (D) of this section, or to file in 410
accordance with division (B)(1) of section 111.15 of the Revised 411
Code, the proposed rule, amendment, rescission, or part thereof 412
that was subject to the finding and order under division (I)(4) of 413
this section. If the joint committee determines that the revised 414
rule summary and fiscal analysis is still inaccurate or 415
incomplete, the joint committee shall recommend the adoption of a 416
concurrent resolution in accordance with division (I)(1) of this 417
section. 418

Sec. 3719.01. As used in this chapter: 419

(A) "Administer" means the direct application of a drug, 420
whether by injection, inhalation, ingestion, or any other means to 421
a person or an animal. 422

(B) "Drug enforcement administration" means the drug 423
enforcement administration of the United States department of 424
justice or its successor agency. 425

(C) "Controlled substance" means a drug, compound, mixture, 426
preparation, or substance included in schedule I, II, III, IV, or 427
V. 428

(D) "Dangerous drug" has the same meaning as in section 429
4729.01 of the Revised Code. 430

(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver.	431 432
(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug.	433 434
(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	435 436
(H) "Drug abuse offense," "felony drug abuse offense," "cocaine," and "hashish" have the same meanings as in section 2925.01 of the Revised Code.	437 438 439
(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended.	440 441 442
(J) "Hospital" means an institution for the care and treatment of the sick and injured that is certified by the department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the professional use of controlled substances.	443 444 445 446 447
(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.	448 449
(L) "Isomer," except as otherwise expressly stated, means the optical isomer.	450 451
(M) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instruction.	452 453 454 455
(N) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code.	456 457 458
(O) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that	459 460

type; the resin extracted from a part of a plant of that type; and 461
every compound, manufacture, salt, derivative, mixture, or 462
preparation of a plant of that type or of its seeds or resin. 463
"Marihuana" does not include the mature stalks of the plant, fiber 464
produced from the stalks, oils or cake made from the seeds of the 465
plant, or any other compound, manufacture, salt, derivative, 466
mixture, or preparation of the mature stalks, except the resin 467
extracted from the mature stalks, fiber, oil or cake, or the 468
sterilized seed of the plant that is incapable of germination. 469

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, 470
amidone, isoamidone, ketobemidone, as defined in this division, 471
and every substance not chemically distinguished from them and 472
every drug, other than cannabis, that may be included in the 473
meaning of "narcotic drug" under the federal drug abuse control 474
laws. As used in this division: 475

(1) "Coca leaves" includes cocaine and any compound, 476
manufacture, salt, derivative, mixture, or preparation of coca 477
leaves, except derivatives of coca leaves, that does not contain 478
cocaine, ecgonine, or substances from which cocaine or ecgonine 479
may be synthesized or made. 480

(2) "Isonipecaine" means any substance identified chemically 481
as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or 482
any salt thereof, by whatever trade name designated. 483

(3) "Amidone" means any substance identified chemically as 484
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by 485
whatever trade name designated. 486

(4) "Isoamidone" means any substance identified chemically as 487
4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 488
thereof, by whatever trade name designated. 489

(5) "Ketobemidone" means any substance identified chemically 490
as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone 491

hydrochloride, or any salt thereof, by whatever trade name 492
designated. 493

(Q) "Official written order" means an order written on a form 494
provided for that purpose by the director of the United States 495
drug enforcement administration, under any laws of the United 496
States making provision for the order, if the order forms are 497
authorized and required by federal law. 498

(R) "Opiate" means any substance having an addiction-forming 499
or addiction-sustaining liability similar to morphine or being 500
capable of conversion into a drug having addiction-forming or 501
addiction-sustaining liability. "Opiate" does not include, unless 502
specifically designated as controlled under section 3719.41 of the 503
Revised Code, the dextrorotatory isomer of 504
3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). 505
"Opiate" does include its racemic and levoratory forms. 506

(S) "Opium poppy" means the plant of the species papaver 507
somniferum L., except its seeds. 508

(T) "Person" means any individual, corporation, government, 509
governmental subdivision or agency, business trust, estate, trust, 510
partnership, association, or other legal entity. 511

(U) "Pharmacist" means a person licensed under Chapter 4729. 512
of the Revised Code to engage in the practice of pharmacy. 513

(V) "Pharmacy" has the same meaning as in section 4729.01 of 514
the Revised Code. 515

(W) "Poison" means any drug, chemical, or preparation likely 516
to be deleterious or destructive to adult human life in quantities 517
of four grams or less. 518

(X) "Poppy straw" means all parts, except the seeds, of the 519
opium poppy, after mowing. 520

(Y) "Licensed health professional authorized to prescribe 521

drugs," "prescriber," and "prescription" have the same meanings as 522
in section 4729.01 of the Revised Code. 523

(Z) "Registry number" means the number assigned to each 524
person registered under the federal drug abuse control laws. 525

(AA) "Sale" includes delivery, barter, exchange, transfer, or 526
gift, or offer thereof, and each transaction of those natures made 527
by any person, whether as principal, proprietor, agent, servant, 528
or employee. 529

(BB) "Schedule I," "schedule II," "schedule III," "schedule 530
IV," and "schedule V" mean controlled substance schedules I, II, 531
III, IV, and V, respectively, established pursuant to section 532
3719.41 of the Revised Code, as amended pursuant to section 533
3719.43 ~~or~~, 3719.44, 3719.45, or 3719.46 of the Revised Code. 534

(CC) "Wholesaler" means a person who, on official written 535
orders other than prescriptions, supplies controlled substances 536
that the person has not manufactured, produced, or prepared 537
personally and includes a "wholesale distributor of dangerous 538
drugs" as defined in section 4729.01 of the Revised Code. 539

(DD) "Animal shelter" means a facility operated by a humane 540
society or any society organized under Chapter 1717. of the 541
Revised Code or a dog pound operated pursuant to Chapter 955. of 542
the Revised Code. 543

(EE) "Terminal distributor of dangerous drugs" has the same 544
meaning as in section 4729.01 of the Revised Code. 545

(FF) "Category III license" means a license issued to a 546
terminal distributor of dangerous drugs as set forth in section 547
4729.54 of the Revised Code. 548

(GG) "Prosecutor" has the same meaning as in section 2935.01 549
of the Revised Code. 550

(HH)(1) "Controlled substance analog" means, except as 551

provided in division (HH)(2) of this section, a substance to which 552
both of the following apply: 553

(a) The chemical structure of the substance is substantially 554
similar to the structure of a controlled substance in schedule I 555
or II. 556

(b) One of the following applies regarding the substance: 557

(i) The substance has a stimulant, depressant, or 558
hallucinogenic effect on the central nervous system that is 559
substantially similar to or greater than the stimulant, 560
depressant, or hallucinogenic effect on the central nervous system 561
of a controlled substance in schedule I or II. 562

(ii) With respect to a particular person, that person 563
represents or intends the substance to have a stimulant, 564
depressant, or hallucinogenic effect on the central nervous system 565
that is substantially similar to or greater than the stimulant, 566
depressant, or hallucinogenic effect on the central nervous system 567
of a controlled substance in schedule I or II. 568

(2) "Controlled substance analog" does not include any of the 569
following: 570

(a) A controlled substance; 571

(b) Any substance for which there is an approved new drug 572
application; 573

(c) With respect to a particular person, any substance if an 574
exemption is in effect for investigational use for that person 575
pursuant to federal law to the extent that conduct with respect to 576
that substance is pursuant to that exemption; 577

(d) Any substance to the extent it is not intended for human 578
consumption before the exemption described in division (HH)(2)(b) 579
of this section takes effect with respect to that substance. 580

Sec. 3719.41. Controlled substance schedules I, II, III, IV, 581
and V are hereby established, which schedules include the 582
following, subject to amendment pursuant to section 3719.43 ~~or~~ 583
3719.44, 3719.45, or 3719.46 of the Revised Code. 584

SCHEDULE I 585

(A) Narcotics-opiates 586

Any of the following opiates, including their isomers, 587
esters, ethers, salts, and salts of isomers, esters, and ethers, 588
unless specifically excepted under federal drug abuse control 589
laws, whenever the existence of these isomers, esters, ethers, and 590
salts is possible within the specific chemical designation: 591

(1) Acetyl-alpha-methylfentanyl 592
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); 593

(2) Acetylmethadol; 594

(3) Allylprodine; 595

(4) Alphacetylmethadol (except levo-alphacetylmethadol, also 596
known as levo-alpha-acetylmethadol, levomethadyl acetate, or 597
LAAM); 598

(5) Alphameprodine; 599

(6) Alphamethadol; 600

(7) Alpha-methylfentanyl 601
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 602
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 603

(8) Alpha-methylthiofentanyl 604
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- 605
phenylpropanamide); 606

(9) Benzethidine; 607

(10) Betacetylmethadol; 608

(11) Beta-hydroxyfentanyl	609
(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)]-N- phenylpropanamide);	610
(12) Beta-hydroxy-3-methylfentanyl (other name:	611
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	612
phenylpropanamide);	613
(13) Betameprodine;	614
(14) Betamethadol;	615
(15) Betaprodine;	616
(16) Clonitazene;	617
(17) Dextromoramide;	618
(18) Diampromide;	619
(19) Diethylthiambutene;	620
(20) Difenoxin;	621
(21) Dimenoxadol;	622
(22) Dimepheptanol;	623
(23) Dimethylthiambutene;	624
(24) Dioxaphetyl butyrate;	625
(25) Dipipanone;	626
(26) Ethylmethylthiambutene;	627
(27) Etonitazene;	628
(28) Etoxeridine;	629
(29) Furethidine;	630
(30) Hydroxypethidine;	631
(31) Ketobemidone;	632
(32) Levomoramide;	633
(33) Levophenacylmorphan;	634

(34) 3-methylfentanyl	635
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	636
(35) 3-methylthiofentanyl	637
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	638 639
(36) Morpheridine;	640
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	641
(38) Noracymethadol;	642
(39) Norlevorphanol;	643
(40) Normethadone;	644
(41) Norpipanone;	645
(42) Para-fluorofentanyl	646
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	647
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	648
(44) Phenadoxone;	649
(45) Phenampromide;	650
(46) Phenomorphan;	651
(47) Phenoperidine;	652
(48) Piritramide;	653
(49) Proheptazine;	654
(50) Properidine;	655
(51) Propiram;	656
(52) Racemoramide;	657
(53) Thiofentanyl	658
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	659
(54) Tilidine;	660
(55) Trimeperidine.	661

(B) Narcotics-opium derivatives	662
Any of the following opium derivatives, including their	663
salts, isomers, and salts of isomers, unless specifically excepted	664
under federal drug abuse control laws, whenever the existence of	665
these salts, isomers, and salts of isomers is possible within the	666
specific chemical designation:	667
(1) Acetorphine;	668
(2) Acetyldihydrocodeine;	669
(3) Benzylmorphine;	670
(4) Codeine methylbromide;	671
(5) Codeine-n-oxide;	672
(6) Cyprenorphine;	673
(7) Desomorphine;	674
(8) Dihydromorphine;	675
(9) Drotebanol;	676
(10) Etorphine (except hydrochloride salt);	677
(11) Heroin;	678
(12) Hydromorphanol;	679
(13) Methyldesorphine;	680
(14) Methyldihydromorphine;	681
(15) Morphine methylbromide;	682
(16) Morphine methylsulfonate;	683
(17) Morphine-n-oxide;	684
(18) Myrophine;	685
(19) Nicocodeine;	686
(20) Nicomorphine;	687

(21) Normorphine;	688
(22) Pholcodine;	689
(23) Thebacon.	690
(C) Hallucinogens	691
Any material, compound, mixture, or preparation that contains	692
any quantity of the following hallucinogenic substances, including	693
their salts, isomers, and salts of isomers, unless specifically	694
excepted under federal drug abuse control laws, whenever the	695
existence of these salts, isomers, and salts of isomers is	696
possible within the specific chemical designation. For the	697
purposes of this division only, "isomer" includes the optical	698
isomers, position isomers, and geometric isomers.	699
(1) Alpha-ethyltryptamine (some trade or other names:	700
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine;	701
3-(2-aminobutyl) indole; alpha-ET; and AET);	702
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	703
names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;	704
4-bromo-2,5-DMA);	705
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or other	706
names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	707
alpha-desmethyl DOB; 2C-B, Nexus);	708
(4) 2,5-dimethoxyamphetamine (some trade or other names:	709
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	710
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	711
names: DOET);	712
(6) 4-methoxyamphetamine (some trade or other names:	713
4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	714
PMA);	715
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	716

(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM" and "STP");	717 718 719
(9) 3,4-methylenedioxy amphetamine (MDA);	720
(10) 3,4-methylenedioxymethamphetamine (MDMA);	721
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);	722 723 724
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);	725 726 727
(13) 3,4,5-trimethoxy amphetamine;	728
(14) Bufotenine (some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine);	729 730 731 732
(15) Diethyltryptamine (some trade or other names: N, N-diethyltryptamine; DET);	733 734
(16) Dimethyltryptamine (some trade or other names: DMT);	735
(17) Ibogaine (some trade or other names: 7-ethyl-6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	736 737 738
(18) Lysergic acid diethylamide;	739
(19) Marihuana;	740
(20) Mescaline;	741
(21) Parahexyl (some trade or other names: 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl);	742 743 744
(22) Peyote (meaning all parts of the plant presently	745

classified botanically as "Lophophora williamsii Lemaire," whether 746
growing or not, the seeds of that plant, any extract from any part 747
of that plant, and every compound, manufacture, salts, derivative, 748
mixture, or preparation of that plant, its seeds, or its 749
extracts); 750

(23) N-ethyl-3-piperidyl benzilate; 751

(24) N-methyl-3-piperidyl benzilate; 752

(25) Psilocybin; 753

(26) Psilocyn; 754

(27) Tetrahydrocannabinols (synthetic equivalents of the 755
substances contained in the plant, or in the resinous extractives 756
of Cannabis, sp. and/or synthetic substances, derivatives, and 757
their isomers with similar chemical structure and pharmacological 758
activity such as the following: delta-1-cis or trans 759
tetrahydrocannabinol, and their optical isomers; delta-6-cis or 760
trans tetrahydrocannabinol, and their optical isomers; 761
delta-3,4-cis or trans tetrahydrocannabinol, and its optical 762
isomers. (Since nomenclature of these substances is not 763
internationally standardized, compounds of these structures, 764
regardless of numerical designation of atomic positions, are 765
covered.)); 766

(28) Ethylamine analog of phencyclidine (some trade or other 767
names: N-ethyl-1-phenylcyclohexylamine; 768
(1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; 769
cyclohexamine; PCE); 770

(29) Pyrrolidine analog of phencyclidine (some trade or other 771
names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP); 772

(30) Thiophene analog of phencyclidine (some trade or other 773
names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog 774
of phencyclidine; TPCP; TCP); 775

(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	776
(32) Hashish;	777
(33) Salvia divinorum;	778
(34) Salvinorin A;	779
(35)	780
(1-pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone	781
(UR-144);	782
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	783
(37) N-adamantyl-1-pentylindole-3-carboxamide;	784
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	785
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone	786
(methoxetamine);	787
(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	788
(41)	789
[1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone	790
(5-fluoropentyl-UR-144; XLR11);	791
(42)	792
[1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone	793
(5-chloropentyl-UR-144);	794
(43)	795
[1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone	796
(5-bromopentyl-UR-144);	797
(44)	798
{1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl)	799
methanone (A-796,260);	800
(45)	801
1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole	802
(AM1248);	803

(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	804
(47) 5-(2-aminopropyl)benzofuran (5-APB);	805
(48) 6-(2-aminopropyl)benzofuran (6-APB);	806
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	807
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	808
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	809
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	810
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	811
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	812
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	813
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	814 815
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);	816 817
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	818
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	819
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	820
(61) 4-methoxymethamphetamine (PMMA);	821
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	822
(63) 5-iodo-2-aminoindane (5-IAI);	823
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine(25I-NBOMe);	824 825
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	826 827
(66) Desoxypipradrol (2-benzhydrylpiperidine);	828
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound,	829 830

mixture, or preparation that contains any quantity of a synthetic 831
cannabinoid found to be in any of the following chemical groups or 832
any of those groups which contain any synthetic cannabinoid salts, 833
isomers, or salts of isomers, whenever the existence of such 834
salts, isomers, or salts of isomers is possible within the 835
specific chemical groups: 836

(a) Naphthoylindoles: any compound containing a 837
3-(1-naphthoyl)indole structure with or without substitution at 838
the nitrogen atom of the indole ring by an alkyl, haloalkyl, 839
alkenyl, cycloalkylmethyl, cycloalkylethyl, 840
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 841
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 842
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 843
whether or not further substituted on the indole ring to any 844
extent or whether or not substituted on the naphthyl group to any 845
extent. Naphthoylindoles include, but are not limited to, 846
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 847
1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 848
1-pentyl-3-(1-naphthoyl)indole (JWH-018), and 849
1-butyl-3-(1-naphthoyl)indole (JWH-073). 850

(b) Naphthylmethylindoles: any compound containing a 851
1H-indol-3-yl-(1-naphthyl)methane structure with or without 852
substitution at the nitrogen atom of the indole ring by an alkyl, 853
haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 854
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 855
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 856
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 857
whether or not further substituted on the indole ring to any 858
extent or whether or not substituted on the naphthyl group to any 859
extent. Naphthylmethylindoles include, but are not limited to, 860
(1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175). 861

(c) Naphthoylpyrroles: any compound containing a 862

3-(1-naphthoyl)pyrrole structure with or without substitution at 863
the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, 864
alkenyl, cycloalkylmethyl, cycloalkylethyl, 865
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 866
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 867
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 868
whether or not further substituted on the pyrrole ring to any 869
extent or whether or not substituted on the naphthyl group to any 870
extent. Naphthoylpyrroles include, but are not limited to, 871
1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147). 872

(d) Naphthylmethylindenes: any compound containing a 873
naphthylmethylideneindene structure with or without substitution 874
at the 3-position of the indene ring by an alkyl, haloalkyl, 875
alkenyl, cycloalkylmethyl, cycloalkylethyl, 876
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 877
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 878
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 879
whether or not further substituted on the indene group to any 880
extent or whether or not substituted on the naphthyl group to any 881
extent. Naphthylmethylindenes include, but are not limited to, 882
(1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 883

(e) Phenylacetylindoles: any compound containing a 884
3-phenylacetylindole structure with or without substitution at the 885
nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, 886
cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, 887
cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 888
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, or 889
2-(4-morpholinyl)ethyl group, whether or not further substituted 890
on the indole ring to any extent or whether or not substituted on 891
the phenyl group to any extent. Phenylacetylindoles include, but 892
are not limited to, 1-pentyl-3-(2-methoxyphenylacetyl)indole 893
(JWH-250), and 894

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 895
1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 896

(f) Cyclohexylphenols: any compound containing a 897
2-(3-hydroxycyclohexyl)phenol structure with or without 898
substitution at the 5-position of the phenolic ring by an alkyl, 899
haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 900
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, 901
(N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, 902
((N-methyl)-3-morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, 903
whether or not further substituted on the cyclohexyl group to any 904
extent. Cyclohexylphenols include, but are not limited to, 905
5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol 906
(some trade or other names: CP-47,497) and 907
5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 908
trade or other names: cannabicyclohexanol; CP-47,497 C8 909
homologue). 910

(g) Benzoylindoles: any compound containing a 911
3-(1-benzoyl)indole structure with or without substitution at the 912
nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, 913
cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, 914
cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 915
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl or 916
2-(4-morpholinyl)ethyl group, whether or not further substituted 917
on the indole ring to any extent or whether or not substituted on 918
the phenyl group to any extent. Benzoylindoles include, but are 919
not limited to, 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4), 920
1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole 921
(Pravadoline or WIN 48, 098). 922

(D) Depressants 923

Any material, compound, mixture, or preparation that contains 924
any quantity of the following substances having a depressant 925
effect on the central nervous system, including their salts, 926

isomers, and salts of isomers, unless specifically excepted under 927
federal drug abuse control laws, whenever the existence of these 928
salts, isomers, and salts of isomers is possible within the 929
specific chemical designation: 930

(1) Mecloqualone; 931

(2) Methaqualone. 932

(E) Stimulants 933

Unless specifically excepted or unless listed in another 934
schedule, any material, compound, mixture, or preparation that 935
contains any quantity of the following substances having a 936
stimulant effect on the central nervous system, including their 937
salts, isomers, and salts of isomers: 938

(1) Aminorex (some other names: aminoxaphen; 939
2-amino-5-phenyl-2-oxazoline; or 940
4,5-dihydro-5-phenyl-2-oxazolamine); 941

(2) Fenethylamine; 942

(3) (+/-)cis-4-methylaminorex 943
((+/-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine); 944

(4) N-ethylamphetamine; 945

(5) N,N-dimethylamphetamine (also known as 946
N,N-alpha-trimethyl-benzeneethanamine; 947
N,N-alpha-trimethylphenethylamine); 948

(6) N-methyl-1-(thiophen-2-yl) propan-2-amine 949
(Methiopropamine); 950

(7) Substituted cathinones - any compound except bupropion or 951
compounds listed under a different schedule, structurally derived 952
from 2-aminopropan-1-one by substitution at the 1-position with 953
either phenyl, naphthyl, or thiophene ring systems, whether or not 954
the compound is further modified in any of the following ways: 955

(a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(b) By substitution at the 3-position with an acyclic alkyl substituent;

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;

(d) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Examples of substituted cathinones include, but are not limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV (3,4-methylenedioxypropylone), mephedrone (4-methylmethcathinone), 4-methoxymethcathinone, 4-fluoromethcathinone, 3-fluoromethcathinone, Pentadrone (2-(methylamino)-1-phenyl-1-pentanone), pentyldone (1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1-pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1-phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1-phenyl-1-propanone), and methcathinone (2-(methylamino)-propylphenone).

SCHEDULE II

(A) Narcotics-opium and opium derivatives

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine,

thebaine-derived butorphanol, dextrophan, nalbuphine, nalmeferene,	987
naloxone, and naltrexone, and their respective salts, but	988
including the following:	989
(a) Raw opium;	990
(b) Opium extracts;	991
(c) Opium fluid extracts;	992
(d) Powdered opium;	993
(e) Granulated opium;	994
(f) Tincture of opium;	995
(g) Codeine;	996
(h) Ethylmorphine;	997
(i) Etorphine hydrochloride;	998
(j) Hydrocodone;	999
(k) Hydromorphone;	1000
(l) Metopon;	1001
(m) Morphine;	1002
(n) Oxycodone;	1003
(o) Oxymorphone;	1004
(p) Thebaine.	1005
(2) Any salt, compound, derivative, or preparation thereof	1006
that is chemically equivalent to or identical with any of the	1007
substances referred to in division (A)(1) of this schedule, except	1008
that these substances shall not include the isoquinoline alkaloids	1009
of opium;	1010
(3) Opium poppy and poppy straw;	1011
(4) Coca leaves and any salt, compound, derivative, or	1012
preparation of coca leaves (including cocaine and ecgonine, their	1013

salts, isomers, and derivatives, and salts of those isomers and 1014
derivatives), and any salt, compound, derivative, or preparation 1015
thereof that is chemically equivalent to or identical with any of 1016
these substances, except that the substances shall not include 1017
decocainized coca leaves or extraction of coca leaves, which 1018
extractions do not contain cocaine or ecgonine; 1019

(5) Concentrate of poppy straw (the crude extract of poppy 1020
straw in either liquid, solid, or powder form that contains the 1021
phenanthrene alkaloids of the opium poppy). 1022

(B) Narcotics-opiates 1023

Unless specifically excepted under federal drug abuse control 1024
laws or unless listed in another schedule, any of the following 1025
opiates, including their isomers, esters, ethers, salts, and salts 1026
of isomers, esters, and ethers, whenever the existence of these 1027
isomers, esters, ethers, and salts is possible within the specific 1028
chemical designation, but excluding dextrorphan and 1029
levopropoxyphene: 1030

(1) Alfentanil; 1031

(2) Alphaprodine; 1032

(3) Anileridine; 1033

(4) Bezitramide; 1034

(5) Bulk dextropropoxyphene (non-dosage forms); 1035

(6) Carfentanil; 1036

(7) Dihydrocodeine; 1037

(8) Diphenoxylate; 1038

(9) Fentanyl; 1039

(10) Isomethadone; 1040

(11) Levo-alpha-acetylmethadol (some other names: 1041

levo-alpha-acetylmethadol; levomethadyl acetate; LAAM); 1042

(12) Levomethorphan;	1043
(13) Levorphanol;	1044
(14) Metazocine;	1045
(15) Methadone;	1046
(16) Methadone-intermediate,	1047
4-cyano-2-dimethylamino-4,4-diphenyl butane;	1048
(17) Moramide-intermediate,	1049
2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	1050
(18) Pethidine (meperidine);	1051
(19) Pethidine-intermediate-A,	1052
4-cyano-1-methyl-4-phenylpiperidine;	1053
(20) Pethidine-intermediate-B,	1054
ethyl-4-phenylpiperidine-4-carboxylate;	1055
(21) Pethidine-intermediate-C,	1056
1-methyl-4-phenylpiperidine-4-carboxylic acid;	1057
(22) Phenazocine;	1058
(23) Piminodine;	1059
(24) Racemethorphan;	1060
(25) Racemorphan;	1061
(26) Remifentanil;	1062
(27) Sufentanil.	1063
(C) Stimulants	1064
Unless specifically excepted under federal drug abuse control	1065
laws or unless listed in another schedule, any material, compound,	1066
mixture, or preparation that contains any quantity of the	1067
following substances having a stimulant effect on the central	1068
nervous system:	1069

(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	1070 1071
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	1072 1073
(3) Methylphenidate;	1074
(4) Phenmetrazine and its salts.	1075
(D) Depressants	1076
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	1077 1078 1079 1080 1081 1082 1083
(1) Amobarbital;	1084
(2) Gamma-hydroxy-butyrate;	1085
(3) Glutethimide;	1086
(4) Pentobarbital;	1087
(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	1088 1089
(6) Secobarbital;	1090
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	1091 1092 1093
(a) 1-phenylcyclohexylamine;	1094
(b) (1-phenylcyclohexyl) methylamine;	1095
(c) (1-phenylcyclohexyl) dimethylamine;	1096
(d) (1-phenylcyclohexyl) methylethylamine;	1097

(e) (1-phenylcyclohexyl) isopropylamine;	1098
(f) 1-(1-phenylcyclohexyl) morpholine.	1099
(E) Hallucinogenic substances	1100
(1) Nabilone (another name for nabilone:	1101
(+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-	1102
hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	1103
(F) Immediate precursors	1104
Unless specifically excepted under federal drug abuse control	1105
laws or unless listed in another schedule, any material, compound,	1106
mixture, or preparation that contains any quantity of the	1107
following substances:	1108
(1) Immediate precursor to amphetamine and methamphetamine:	1109
(a) Phenylacetone (some trade or other names:	1110
phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl	1111
ketone);	1112
(2) Immediate precursors to phencyclidine (PCP):	1113
(a) 1-phenylcyclohexylamine;	1114
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	1115
SCHEDULE III	1116
(A) Stimulants	1117
Unless specifically excepted under federal drug abuse control	1118
laws or unless listed in another schedule, any material, compound,	1119
mixture, or preparation that contains any quantity of the	1120
following substances having a stimulant effect on the central	1121
nervous system, including their salts, their optical isomers,	1122
position isomers, or geometric isomers, and salts of these	1123
isomers, whenever the existence of these salts, isomers, and salts	1124
of isomers is possible within the specific chemical designation:	1125
(1) All stimulant compounds, mixtures, and preparations	1126

included in schedule III pursuant to the federal drug abuse	1127
control laws and regulations adopted under those laws;	1128
(2) Benzphetamine;	1129
(3) Chlorphentermine;	1130
(4) Clortermine;	1131
(5) Phendimetrazine.	1132
(B) Depressants	1133
Unless specifically excepted under federal drug abuse control	1134
laws or unless listed in another schedule, any material, compound,	1135
mixture, or preparation that contains any quantity of the	1136
following substances having a depressant effect on the central	1137
nervous system:	1138
(1) Any compound, mixture, or preparation containing	1139
amobarbital, secobarbital, pentobarbital, or any salt of any of	1140
these drugs, and one or more other active medicinal ingredients	1141
that are not listed in any schedule;	1142
(2) Any suppository dosage form containing amobarbital,	1143
secobarbital, pentobarbital, or any salt of any of these drugs and	1144
approved by the food and drug administration for marketing only as	1145
a suppository;	1146
(3) Any substance that contains any quantity of a derivative	1147
of barbituric acid or any salt of a derivative of barbituric acid;	1148
(4) Chlorhexadol;	1149
(5) Ketamine, its salts, isomers, and salts of isomers (some	1150
other names for ketamine:	1151
(+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	1152
(6) Lysergic acid;	1153
(7) Lysergic acid amide;	1154
(8) Methyprylon;	1155

(9) Sulfondiethylmethane;	1156
(10) Sulfonethylmethane;	1157
(11) Sulfonmethane;	1158
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8- dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-one; flupyrazapon).	1159 1160 1161 1162 1163 1164 1165
(C) Narcotic antidotes	1166
(1) Nalorphine.	1167
(D) Narcotics-narcotic preparations	1168
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	1169 1170 1171 1172 1173
(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;	1174 1175 1176
(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	1177 1178 1179
(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;	1180 1181 1182
(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized	1183 1184 1185

therapeutic amounts;	1186
(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	1187 1188 1189 1190
(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	1191 1192 1193 1194
(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;	1195 1196 1197 1198
(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.	1199 1200 1201
(E) Anabolic steroids	1202
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, esters, isomers, and salts of esters and isomers, whenever the existence of these salts, esters, and isomers is possible within the specific chemical designation:	1203 1204 1205 1206 1207 1208 1209
(1) Anabolic steroids. Except as otherwise provided in division (E)(1) of schedule III, "anabolic steroids" means any drug or hormonal substance that is chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) and that promotes muscle growth. "Anabolic steroids" does not include an anabolic steroid that is expressly intended for administration through implants to cattle	1210 1211 1212 1213 1214 1215 1216

or other nonhuman species and that has been approved by the United	1217
States secretary of health and human services for that	1218
administration, unless a person prescribes, dispenses, or	1219
distributes this type of anabolic steroid for human use. "Anabolic	1220
steroid" includes, but is not limited to, the following:	1221
(a) Boldenone;	1222
(b) Chlorotestosterone (4-chlortestosterone);	1223
(c) Clostebol;	1224
(d) Dehydrochlormethyltestosterone;	1225
(e) Dihydrotestosterone (4-dihydrotestosterone);	1226
(f) Drostanolone;	1227
(g) Ethylestrenol;	1228
(h) Fluoxymesterone;	1229
(i) Formebolone (formebolone);	1230
(j) Mesterolone;	1231
(k) Methandienone;	1232
(l) Methandranone;	1233
(m) Methandriol;	1234
(n) Methandrostenolone;	1235
(o) Methenolone;	1236
(p) Methyltestosterone;	1237
(q) Mibolerone;	1238
(r) Nandrolone;	1239
(s) Norethandrolone;	1240
(t) Oxandrolone;	1241
(u) Oxymesterone;	1242

(v) Oxymetholone;	1243
(w) Stanolone;	1244
(x) Stanozolol;	1245
(y) Testolactone;	1246
(z) Testosterone;	1247
(aa) Trenbolone;	1248
(bb) Any salt, ester, isomer, or salt of an ester or isomer of a drug or hormonal substance described or listed in division (E)(1) of schedule III if the salt, ester, or isomer promotes muscle growth.	1249 1250 1251 1252
(F) Hallucinogenic substances	1253
(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration approved drug product (some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol).	1254 1255 1256 1257 1258 1259
SCHEDULE IV	1260
(A) Narcotic drugs	1261
Unless specifically excepted by federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:	1262 1263 1264 1265 1266
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	1267 1268
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2- propionoxybutane)[final dosage forms].	1269 1270 1271

(B) Depressants	1272
Unless specifically excepted under federal drug abuse control	1273
laws or unless listed in another schedule, any material, compound,	1274
mixture, or preparation that contains any quantity of the	1275
following substances, including their salts, isomers, and salts of	1276
isomers, whenever the existence of these salts, isomers, and salts	1277
of isomers is possible within the specific chemical designation:	1278
(1) Alprazolam;	1279
(2) Barbital;	1280
(3) Bromazepam;	1281
(4) Camazepam;	1282
(5) Chloral betaine;	1283
(6) Chloral hydrate;	1284
(7) Chlordiazepoxide;	1285
(8) Clobazam;	1286
(9) Clonazepam;	1287
(10) Clorazepate;	1288
(11) Clotiazepam;	1289
(12) Cloxazolam;	1290
(13) Delorazepam;	1291
(14) Diazepam;	1292
(15) Estazolam;	1293
(16) Ethchlorvynol;	1294
(17) Ethinamate;	1295
(18) Ethyl loflazepate;	1296
(19) Fludiazepam;	1297
(20) Flunitrazepam;	1298

(21) Flurazepam;	1299
(22) Halazepam;	1300
(23) Haloxazolam;	1301
(24) Ketazolam;	1302
(25) Loprazolam;	1303
(26) Lorazepam;	1304
(27) Lormetazepam;	1305
(28) Mebutamate;	1306
(29) Medazepam;	1307
(30) Meprobamate;	1308
(31) Methohexital;	1309
(32) Methylphenobarbital (mephobarbital);	1310
(33) Midazolam;	1311
(34) Nimetazepam;	1312
(35) Nitrazepam;	1313
(36) Nordiazepam;	1314
(37) Oxazepam;	1315
(38) Oxazolam;	1316
(39) Paraldehyde;	1317
(40) Petrichloral;	1318
(41) Phenobarbital;	1319
(42) Pinazepam;	1320
(43) Prazepam;	1321
(44) Quazepam;	1322
(45) Temazepam;	1323

(46) Tetrazepam;	1324
(47) Triazolam;	1325
(48) Zaleplon;	1326
(49) Zolpidem.	1327
(C) Fenfluramine	1328
Any material, compound, mixture, or preparation that contains	1329
any quantity of the following substances, including their salts,	1330
their optical isomers, position isomers, or geometric isomers, and	1331
salts of these isomers, whenever the existence of these salts,	1332
isomers, and salts of isomers is possible within the specific	1333
chemical designation:	1334
(1) Fenfluramine.	1335
(D) Stimulants	1336
Unless specifically excepted under federal drug abuse control	1337
laws or unless listed in another schedule, any material, compound,	1338
mixture, or preparation that contains any quantity of the	1339
following substances having a stimulant effect on the central	1340
nervous system, including their salts, their optical isomers,	1341
position isomers, or geometric isomers, and salts of these	1342
isomers, whenever the existence of these salts, isomers, and salts	1343
of isomers is possible within the specific chemical designation:	1344
(1) Cathine ((+)-norpseudoephedrine);	1345
(2) Diethylpropion;	1346
(3) Fencamfamin;	1347
(4) Fenproporex;	1348
(5) Mazindol;	1349
(6) Mefenorex;	1350
(7) Modafinil;	1351

(8) Pemoline (including organometallic complexes and chelates thereof);	1352 1353
(9) Phentermine;	1354
(10) Pipradrol;	1355
(11) Sibutramine;	1356
(12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].	1357
(E) Other substances	1358
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts:	1359 1360 1361 1362
(1) Pentazocine;	1363
(2) Butorphanol (including its optical isomers).	1364
SCHEDULE V	1365
(A) Narcotic drugs	1366
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, and their salts, as set forth below:	1367 1368 1369 1370
(1) Buprenorphine.	1371
(B) Narcotics-narcotic preparations	1372
Narcotic drugs containing non-narcotic active medicinal ingredients. Any compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, and that includes one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:	1373 1374 1375 1376 1377 1378 1379 1380

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;	1381 1382
(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;	1383 1384
(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;	1385 1386
(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;	1387 1388
(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	1389 1390
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	1391 1392
(C) Stimulants	1393
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	1394 1395 1396 1397 1398 1399
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	1400 1401
(2) Pyrovalerone.	1402
Sec. 3719.43. When pursuant to the federal drug abuse control laws the attorney general of the United States adds a compound, mixture, preparation, or substance to a schedule of the laws, transfers any of the same between one schedule of the laws to another, or removes a compound, mixture, preparation, or substance from the schedules of the laws then such addition, transfer, or removal is automatically effected in the corresponding schedule or	1403 1404 1405 1406 1407 1408 1409

schedules in section 3719.41 of the Revised Code, subject to 1410
amendment pursuant to section 3719.44, 3719.45, or 3719.46 of the 1411
Revised Code. 1412

Sec. 3719.45. (A) Subject to divisions (B) and (C) of this 1413
section, the attorney general may by rule adopted in accordance 1414
with Chapter 119. of the Revised Code take either of the following 1415
actions with respect to controlled substance schedule I 1416
established in section 3719.41 of the Revised Code: 1417

(1) Add to the schedule an unscheduled compound, mixture, 1418
preparation, or substance that has no accepted medical use in 1419
treatment in this state; 1420

(2) Remove from the schedule a compound, mixture, 1421
preparation, or substance added by the attorney general pursuant 1422
to this section or section 3719.46 of the Revised Code. 1423

(B) Before taking action under division (A) of this section, 1424
the attorney general shall request a statement of the position of 1425
the state board of pharmacy on the proposed action. Not later than 1426
thirty days after receiving a request for its position, the board 1427
shall provide a written statement of its position regarding the 1428
proposed action to the attorney general. The statement shall 1429
include a discussion of the potential impact of the action on the 1430
practice of pharmacy. The board may determine its position by 1431
resolution adopted during a public meeting or telephone conference 1432
call. 1433

(C) The attorney general may take an action under division 1434
(A) of this section only after considering all of the following 1435
with regard to the compound, mixture, preparation, or substance 1436
proposed to be added to or removed from schedule I: 1437

(1) Its actual or relative potential for abuse; 1438

(2) Its history and current pattern of abuse; 1439

<u>(3) The scope, duration, and significance of abuse;</u>	1440
<u>(4) The risk to the public health, as reported by hospitals or licensed health care professionals;</u>	1441 1442
<u>(5) Reports of law enforcement officials, hospitals, or licensed health care professionals;</u>	1443 1444
<u>(6) Whether it has been added to or removed from schedule I under the laws of other states;</u>	1445 1446
<u>(7) The position of the board;</u>	1447
<u>(8) Any other information that the attorney general considers relevant.</u>	1448 1449
<u>Sec. 3719.46. (A)(1) The attorney general, by emergency rule, shall add an unscheduled compound, mixture, preparation, or substance to controlled substance schedule I established in section 3719.41 of the Revised Code if the attorney general, in consultation with the state board of pharmacy, determines that both of the following are the case with regard to the compound, mixture, preparation, or substance:</u>	1450 1451 1452 1453 1454 1455 1456
<u>(a) It has no accepted medical use in treatment in this state.</u>	1457 1458
<u>(b) It poses an imminent hazard to the public health, safety, or welfare.</u>	1459 1460
<u>(2) In determining whether a previously unscheduled compound, mixture, preparation, or substance poses an imminent hazard to the public health, safety, or welfare, the attorney general and the board shall consider all of the following:</u>	1461 1462 1463 1464
<u>(a) Its actual or relative potential for abuse;</u>	1465
<u>(b) The scope, duration, and significance of abuse;</u>	1466
<u>(c) The risk to the public health, as reported by hospitals or licensed health care professionals;</u>	1467 1468

(d) Reports of law enforcement officials, emergency medical services personnel as defined in section 2133.21 of the Revised Code, and emergency facility personnel as defined in section 2909.04 of the Revised Code; 1469
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(e) Whether it has been added to or removed from schedule I on a temporary basis under the laws of other states. 1473
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(B) On determining that a compound, mixture, preparation, or substance meets the criteria of division (A)(1) of this section, the attorney general shall provide to the board a written statement that includes the full text of the proposed emergency rule accompanied by the reasons for the attorney general's determination. 1475
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On receipt of the statement, the board shall make its own determination of whether the compound, mixture, preparation, or substance meets the criteria of division (A)(1) of this section. The board shall give written notice of its determination to the attorney general as soon as practicable. Failure of the board to give this notice prior to the thirty-first day after receipt of the statement shall be treated by the attorney general as a determination by the board that the compound, mixture, preparation, or substance meets the criteria of division (A)(1) of this section. 1481
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If the board determines that the compound, mixture, preparation, or substance does not meet the criteria, it shall include with the notice to the attorney general a statement specifying the reasons for its determination. 1491
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The attorney general may modify the proposed rule to address the board's reasons. The board and the attorney general shall continue this process until they reach agreement. 1495
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If the attorney general and the board agree that the compound, mixture, preparation, or substance meets the criteria of 1498
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division (A)(1) of this section, the attorney general shall issue 1500
an order suspending the procedure in section 119.03 of the Revised 1501
Code with respect to the adoption of nonemergency rules. The order 1502
shall state the reasons for the determination of the attorney 1503
general and the board that the compound, mixture, preparation, or 1504
substance meets the criteria of division (A)(1) of this section. 1505
The attorney general shall file the order in electronic form with 1506
the secretary of state, the director of the legislative service 1507
commission, and the joint committee on agency rule review. The 1508
attorney general shall then adopt the emergency rule described in 1509
division (A)(1) of this section. 1510

(C)(1) An emergency rule adopted under this section is 1511
effective on the day it is filed in final form electronically with 1512
the secretary of state, the director of the legislative service 1513
commission, and the joint committee on agency rule review. The 1514
director shall publish the full text of the emergency rule in the 1515
register of Ohio. 1516

Except as provided in division (C)(2) of this section, an 1517
emergency rule adopted under this section is valid until the end 1518
of the three hundred sixty-fourth day after the day it takes 1519
effect. Before that date, the attorney general or the board may 1520
adopt the rule as a nonemergency rule by complying with the 1521
procedure prescribed in section 119.03 of the Revised Code for the 1522
adoption of rules that are not emergency rules. 1523

(2) If before the end of the period described in division 1524
(C)(1) of this section the attorney general or the board begins 1525
the procedure for adopting the emergency rule as a nonemergency 1526
rule but at the end of the period the rule is not yet final, the 1527
emergency rule is valid for an additional three hundred sixty-five 1528
days or until the nonemergency rule is final, whichever is 1529
earlier. 1530

Section 2. That existing sections 119.03, 3719.01, 3719.41, 1531

and 3719.43 of the Revised Code are hereby repealed.

1532