

## 2020 Regular Session

HOUSE BILL NO. 89

BY REPRESENTATIVE JAMES

**DRUGS/CONTROLLED:** Adds certain substances to the Uniform Controlled Dangerous Substances Law

# 1 AN ACT

2 To amend and reenact R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) and (E)(3)  
3 and to enact R.S. 40:964(Schedule I)(A)(68) through (71), (D)(6) and (7), (Schedule  
4 IV)(B)(2.1) and (25.1) and (D)(14), and (Schedule V)(D)(5) and (6), relative to the  
5 Uniform Controlled Dangerous Substances Law; to add certain substances to  
6 Schedules I, II, IV, and V; to provide relative to substances of vegetable origin or  
7 chemical synthesis in Schedule II; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9           Section 1. R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) and (E)(3) are  
10          hereby amended and reenacted and R.S. 40:964(Schedule I)(A)(68) through (71), (D)(6) and  
11          (7), (Schedule IV)(B)(2.1) and (25.1) and (D)(14), and (Schedule V)(D)(5) and (6) are  
12          hereby enacted to read as follows:

13 §964. Composition of schedules

14 Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S.  
15 40:962, consist of the following drugs or other substances, by whatever official  
16 name, common or usual name, chemical name, or brand name designated:

17 SCHEDULE I

18                   A. Opiates. Unless specifically excepted or unless listed in another schedule,  
19                   any of the following opiates, including their isomers, esters, ethers, salts, or salts of

isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers,  
or salts is possible within the specific chemical designation:

\* \* \*

4 (68) Butyryl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide)

(69) 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)

7 (70) MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)

(71) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) acetamide)

10 \* \* \*

11           D. Depressants. Unless specifically excepted or unless listed in another  
12 schedule, any material, compound, mixture, or preparation which contains any  
13 quantity of the following substances having a depressant effect on the central  
14 nervous system, including its salts, isomers, and salts of isomers whenever the  
15 existence of such salts, isomers, and salts of isomers is possible within the specific  
16 chemical designation:

\* \* \*

**(7) Flualprazolam**

\* \* \*

## SCHEDULE II

22           A. Substances of vegetable origin or chemical synthesis. Unless specifically  
23        excepted or unless listed in another schedule, any of the following substances  
24        whether produced directly or indirectly by extraction from substances of vegetable  
25        origin, or independently by means of chemical synthesis, or by a combination of  
26        extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, ~~isomer~~, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol,

1           naloxone, 6β-naltrexol, and naltrexone, and their respective salts, but including the  
2           following:

3                         \*           \*           \*

4           E. Immediate precursors. Unless specifically excepted or unless listed in  
5           another schedule, any material, compound, mixture, or preparation which contains  
6           any quantity of the following substances:

7                         \*           \*           \*

8                         (3) Immediate precursor to fentanyl:

9                         (a) 4-anilino-N-phenethyl-4-piperidine (ANPP)

10                         (b) Norfentanyl (N-phenyl-N-(piperidin-4-yl)propionamide

11                         \*           \*           \*

12                         SCHEDULE IV

13                         \*           \*           \*

14           B. Depressants. Unless specifically excepted or unless listed in another  
15           schedule, any material, compound, mixture, or preparation containing any quantity  
16           of the following substances, including its salts, isomers, and salts of isomers,  
17           whenever the existence of such salts, isomers, and salts of isomers is possible within  
18           the specific chemical designation:

19                         \*           \*           \*

20                         (2.1) Brexanolone

21                         \*           \*           \*

22                         (25.1) Lemborexant

23                         \*           \*           \*

24           D. Stimulants. Unless specifically excepted or unless listed in another  
25           schedule, any material, compound, mixture, or preparation which contains any  
26           quantity of the following substances, including its salts, isomers, and salts of  
27           isomers:

28                         \*           \*           \*

1                   (14) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol,  
2                   beta-amino-,carbamate (ester))

3                   \*       \*       \*

4                   SCHEDULE V

5                   \*       \*       \*

6                   D. Depressants. Unless specifically exempted or excluded or unless listed  
7                   in another schedule, any material, compound, mixture, or preparation which contains  
8                   any quantity of the following substances having a depressant effect on the central  
9                   nervous system, including its salts:

10                  \*       \*       \*

11                  (5) Cenobamate (1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethylcarbamate)

12                  (6) Lasmiditan (2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)  
13                  pyridine-2-yl-benzamide)

14                  \*       \*       \*

15                  Section 2. The Louisiana State Law Institute is hereby authorized and directed to  
16                  renumber the substances in R.S. 40:964(Schedule I)(D), (Schedule IV)(B), and (Schedule  
17                  V)(D) to ensure that such substances are in alphabetical order.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 89 Engrossed

2020 Regular Session

James

**Abstract:** Adds certain substances to Schedules I, II, IV, and V of the Uniform Controlled Dangerous Substances Law.

Present law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

Proposed law retains present law.

Proposed law adds Butyryl fentanyl, 4-Fluoroisobutyryl fentanyl, MT-45, Ocfentanil, Clonazolam, and Flualprazolam to Schedule I.

Proposed law removes isomers of opium and opiates from Schedule II substances of vegetable origin or chemical synthesis and adds 6 $\beta$ -naltrexol as a Schedule II substance of vegetable origin or chemical synthesis.

Proposed law adds Norfentanyl to Schedule II.

Proposed law adds Brexanolone, Lemborexant, and Solriamfetol to Schedule IV.

Proposed law adds Cenobamate and Lasmiditan to Schedule V.

(Amends R.S. 40:964(Schedule II)(A)(1)(intro. para.) and (E)(3); Adds R.S. 40:964(Schedule I)(A)(68-71), (D)(6) and (7), (Schedule IV)(B)(2.1) and (25.1) and (D)(14), and (Schedule V)(D)(5) and (6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Add Butyryl fentanyl, 4-Fluoroisobutyryl fentanyl, MT-45, and Ocfentanil to Schedule I.
2. Remove isomers of opium and opiates from Schedule II substances of vegetable origin or chemical synthesis and add 6 $\beta$ -naltrexol as a Schedule II substance of vegetable origin or chemical synthesis.
3. Add Norfentanyl to Schedule II.
4. Add Brexanolone and Lemborexant to Schedule IV.
5. Add Cenobamate and Lasmiditan to Schedule V.