

House Bill 367 (AS PASSED HOUSE AND SENATE)

By: Representatives Parrish of the 158th, Stephens of the 164th, and Reeves of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to
2 controlled substances, so as to change certain provisions relating to Schedules I, II, III, IV,
3 and V controlled substances; to change certain provisions relating to the definition of
4 dangerous drug; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled
9 substances, is amended in paragraph (1) of Code Section 16-13-25, relating to Schedule I
10 controlled substances, by revising subparagraphs (K) and (V) and by adding a new
11 subparagraph to read as follows

12 "(K) ~~Clonitazene~~; Reserved;"

13 "(V) ~~Etonitazene~~; Reserved;"

14 "(TT) Methyl-AP-237;"

15 **SECTION 2.**

16 Said chapter is further amended by revising paragraph (3) of Code Section 16-13-25, relating
17 to Schedule I controlled substances, by adding new paragraphs to read as follows:

18 "(HHHH) 5-methoxy-N,N-Dibutyltryptamine (5-MeO-DBT);

19 (III) 5-methoxy-N,N-Diisobutyltryptamine (5-MeO-DIBT);

20 (JJJJ) N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine;"

21 **SECTION 3.**

22 Said chapter is further amended by revising division (12)(L)(ii) of Code Section 16-13-25,
23 relating to Schedule I controlled substances, as follows:

24 "(ii) By substitution at the 3-position with an a cyclic or acyclic alkyl substitution or
25 alkoxy substitution; or"

26 **SECTION 4.**

27 Said chapter is further amended by revising Code Section 16-13-25, relating to Schedule I
28 controlled substances, by substituting a semicolon for the period at the end of division (vi)
29 of paragraph (15) and by adding a new paragraph to read as follows:

30 "(16) The N-substituted benzimidazole structural class, including any of the following
31 derivatives, their salts, isomers, or salts of isomers unless specifically utilized as part of
32 the manufacturing process by a commercial industry of a substance or material not
33 intended for human ingestion or consumption, as a prescription administered under
34 medical supervision, or for research at a recognized institution, whenever the existence
35 of these salts, isomers, or salts of isomers is possible within the specific chemical
36 designation or unless specifically excepted or listed in this or another schedule,
37 structurally derived from N-substituted benzimidazole by substitution at the 1-position
38 with an ethylamine group and by substitution at the 2-position with a benzyl group,
39 whether or not the compound is further modified in any of the following ways:

- 40 (A) By monoalkyl or dialkyl substitution on the nitrogen of the 1-position ethylamine
41 group, or by inclusion of the nitrogen in a cyclic structure;
42 (B) By substitution on the benzylic carbon of the 2-position benzyl group by alkyl or
43 carboxamide groups;
44 (C) By substitution at the 3-position or 4-position of the benzyl group, or both, with
45 alkyl, hydroxyl, alkoxy, acetoxy, halide, or sulfide groups;
46 (D) By replacement of the 2-position benzyl group with an ethylbenzyl, thiophenol, or
47 methoxybenzene group, which may be further substituted with alkyl, hydroxyl, alkoxy,
48 acetoxy, halide, or sulfide groups; and
49 (E) By substitution at the 5-position or 6-position with a nitro group or primary amine."

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SECTION 5.

51 Said chapter is further amended by revising paragraph (2) of Code Section 16-13-26, relating
52 to Schedule II controlled substances, by adding new subparagraphs to read as follows:

53 "(M.3) Norfentanyl;"

54 "(M.5) Oliceridine;"

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SECTION 6.

56 Said chapter is further amended by revising subsection (a) of Code Section 16-13-28, relating
57 to Schedule IV controlled substances, by adding new paragraphs to read as follows:

58 "(2.05) Brexanolone;"

59 "(8.1) Deschloroetizolam;"

60 "(16.5) Lemborexant;"

61 "(30.15) Remimazolam;"

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SECTION 7.

63 Said chapter is further amended by revising Code Section 16-13-29, relating to Schedule V
 64 controlled substances, by revising paragraph (1.5), by replacing the period with a semicolon
 65 at the end of paragraph (7), and by adding new paragraphs to read as follows:

66 "(1.25) Cenobamate, including its salts;"

67 ~~"(1.5) Epidiolex. A drug product in finished dosage formulation in its original container
 68 that has been approved by and labeled in compliance with the U.S. Food and Drug
 69 Administration (FDA) that contains cannabidiol (CBD) derived from cannabis and
 70 contains no more than 0.1 percent (w/w) residual tetrahydrocannabinols; Reserved;"~~

71 "(8) Lasmiditan, including its salts, isomers, and salts of isomers."

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SECTION 8.

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

75 "(.033) Abametapir;"

76 "(43.5) Amisulpride;"

77 "(54.5) Ansuvimab-zykl;"

78 "(65.7) Artesunate;"

79 "(68.14) Atoltivimab;"

80 "(69.105) Avapritinib;"

81 "(78.2) Belantamab mafodotin-blmf;"

82 "(81.5) Bempedoic acid;"

83 "(91.75) Berotralstat;"

84 "(132.9) Capmatinib;"

85 "(148.5) Cedazuridine;"

86 "(195.6) Clascoterone;"

87 "(213.45) Copper dotatate Cu-64;"

88 "(332.88) Epidiolex: A drug product in finished dosage formulation in its original
89 container that has been approved by and labeled in compliance with the United States
90 Food and Drug Administration (FDA) that contains cannabidiol (CBD) derived from
91 cannabis and contains no more than 0.1 percent (w/w) residual tetrahydrocannabinols;"
92 "(334.85) Eptinezumab-jjmr;"
93 "(388.4) Flortaucipir F 18;"
94 "(396.4) Fluoroestradiol F 18;"
95 "(406.935) Fostemsavir;"
96 "(409.1) Gallium 68 PSMA-11;"
97 "(472.3) Inebilizumab-cdon;"
98 "(495.3) Isatuximab;"
99 "(510.5) Lactitol;"
100 "(529.05) Lonafarnib;"
101 "(531.43) Lumasiran;"
102 "(531.73) Lurbinectedin;"
103 "(535.5) Maftivimab;"
104 "(540.4) Margetuximab - anti HER2 mAb;"
105 "(638.43) Naxitamab-gqgk;"
106 "(643.5) Nifurtimox;"
107 "(661.55) Odesivimab-ebgn;"
108 "(663.71) Opicapone;"
109 "(665.53) Osilodrostat;"
110 "(680.1) Ozanimod;"
111 "(692.545) Pemigatinib;"
112 "(769.1) Pralsetinib;"
113 "(832.95) Relugolix;"
114 "(832.97) Remdesivir;"

115 "(842.5) Rimegepant;"
 116 "(843.13) Ripretinib;"
 117 "(843.17) Risdiplam;"
 118 "(849.3) Sacituzumab govitecan-hziy;"
 119 "(851.5) Satralizumab-mwge;"
 120 "(853.85) Selpercatinib;"
 121 "(853.87) Selumetinib;"
 122 "(855.73) Setmelanotide;"
 123 "(881.07) Somapacitan-beco;"
 124 "(930.905) Tafasitamab-cxix;"
 125 "(931.33) Tazemetostat;"
 126 "(931.83) Teprotumumab-trbw;"
 127 "(967.58) Tirbanibulin;"
 128 "(988.5) Triheptanoin;"
 129 "(1014.5) Tucatinib;"
 130 "(1029.8) Vibegron;"
 131 "(1030.7) Viltolarsen;"

132 **SECTION 9.**

133 Said chapter is further amended in subsection (b) of Code Section 16-13-71, relating to the
 134 definition of dangerous drug, by revising paragraphs (107.1), (154.45), (203), (270.5),
 135 (506.8), (512.691), and (663.2) as follows:

136 "(107.1) ~~Brexanolone~~; Reserved;"
 137 "(154.45) ~~Cenobamate~~ Reserved;"
 138 "(203) ~~Clopidogrel~~; Clopidogrel;"
 139 "(270.5) Diclofenac – See exceptions;"
 140 "(506.8) Ivermectin – See exceptions;"

141 ~~"(512.691) Easmiditan; Reserved;"~~

142 ~~"(663.2) Olopatadine – See exceptions;"~~

143 **SECTION 10.**

144 Said chapter is further amended by revising subsection (c) of Code Section 16-13-71, relating
145 to the definition of dangerous drug, by adding new paragraphs to read as follows:

146 "(7.95) Diclofenac Sodium – When used with a strength of 1 percent or less in a topical
147 gel;"

148 "(12.1) Ivermectin – When used with a strength of 0.5 percent or less in a topical lotion;"

149 "(16.85) Olopatadine hydrochloride – When used with a strength of 0.7 percent or less
150 in an ophthalmic solution;"

151 **SECTION 11.**

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

154 **SECTION 12.**

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