

# Legislative Analysis



## REVISE PENALTIES FOR CERTAIN NARCOTIC DRUGS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5124 as introduced**  
**Sponsor: Rep. Ann Bollin**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5125 as introduced**  
**Sponsor: Rep. Sarah Lightner**

**House Bill 5126 as introduced**  
**Sponsor: Rep. Angela Witwer**

**Committee: Criminal Justice**  
**Revised 3-12-24**

### SUMMARY:

House Bills 5124, 5125, and 5126 would change penalties and sentencing recommendations for violations involving the manufacture or delivery, or possession with intent to manufacture or deliver, of cocaine and Schedule 1 and 2 *narcotic drugs* (opium, *opiates*, and their derivatives). Generally speaking:

- The bills would raise felony classifications in the sentencing guidelines for certain violations involving heroin, fentanyl, or carfentanil or their derivatives.
- The bills would lower felony classifications in the sentencing guidelines for certain violations involving cocaine and certain opium-based drugs.
- The bills would reduce maximum terms of imprisonment for certain violations involving cocaine, certain opium-based drugs, or opiates other than heroin, fentanyl, or carfentanil or their derivatives.
- The bills would newly allow probation for violations involving the manufacture or delivery, or possession with intent to manufacture or deliver, of less than 50 grams of a mixture containing cocaine, certain opium-based drugs, or opiates other than heroin, fentanyl, or carfentanil or their derivatives.
- The bills would retain the current maximum terms of imprisonment for violations involving heroin, fentanyl, or carfentanil or their derivatives.

As noted, the bills would apply *only* to cocaine and Schedule 1 or 2 *narcotic drugs*, which include such substances as carfentanil, clonitazene, codeine, dextromoramide, difenoxin, etorphine, fentanyl, heroin, hydrocodone (Vicodin®), hydromorphone (Dilaudid®), laudanum, meperidine (Demerol®), methadone, morphine, nicomorphine, normethadone, opium, oxycodone (OxyContin®, Percocet®), oxymorphone (Opana®), piritramide, tapentadol, and tilidine. (See Appendix A for a full list of narcotic drugs on Schedules 1 and 2.)

The bills would *not* affect penalties or sentencing for Schedule 1 or 2 controlled substances that are *not narcotic drugs*, for example such substances as amobarbital (Amytal®), ecstasy (MDMA), GHB, LSD, marijuana, mescaline (peyote), methamphetamine, methaqualone (Quaalude®), methcathinone (“cat”), PCP, pentobarbital (Nembutal®), psilocybin (“magic mushrooms”), secobarbital (Seconal®), or stimulants such as Dexedrine®, Adderall®, or Ritalin®. Penalties for those violations are found in other areas of the Public Health Code.

**House Bill 5124** would amend the Public Health Code to revise the maximum terms of imprisonment for certain violations involving the unlawful manufacture or delivery, or possession with intent to manufacture or deliver, of cocaine or a Schedule 1 or 2 controlled substance that is a *narcotic drug*. Generally speaking, with *exceptions* described below, the bill would retain current penalties for violations involving heroin, fentanyl, carfentanil, or other opiates and reduce maximum terms of imprisonment for violations involving cocaine or Schedule 1 or 2 drugs that are derived from opium and not classed as opiates.

*Narcotic drug* means opium and *opiate*; any salt, compound, derivative, or preparation of opium or opiate; or any salt, compound, isomer, or derivative (or preparation of a salt, compound, isomer, or derivative) that is chemically equivalent or identical with opium, opiate, or any salt, compound, derivative, or preparation of opium or opiate. However, *narcotic drug* does not include the isoquinoline alkaloids of opium.<sup>1</sup>

*Opiate* means a substance with an addiction-forming or addiction-sustaining liability similar to morphine or that can be converted into a drug with an addiction-forming or addiction-sustaining liability.<sup>2</sup>

Currently, a violation involving cocaine or a Schedule 1 or 2 *narcotic drug*, or any mixture containing those substances, is a felony punishable as follows:

- For 1,000 grams or more: imprisonment for life or any term of years or a fine of up to \$1.0 million, or both.
- For at least 450 grams but less than 1,000 grams: imprisonment for up to 30 years or a fine of up to \$500,000, or both.
- For at least 50 grams but less than 450 grams: imprisonment for up to 20 years or a fine of up to \$250,000, or both.
- For less than 50 grams: imprisonment for up to 20 years or a fine of up to \$25,000, or both.

The bill would essentially divide the substances now subject to the above penalties into three groups subject to different penalties. Under the bill, in the first penalty group, the current penalties would still apply to a violation involving heroin, fentanyl, or carfentanil; a derivative of any of those substances; or a mixture containing such a substance or derivative.

The current penalties also would still apply to a violation involving an *opiate* other than the substances in the first penalty group; a derivative of any of those opiates; or a mixture containing such a substance or derivative, *except that* the maximum term of imprisonment for a violation involving less than 50 grams would be reduced from 20 years to 10 years.

Finally, a violation involving cocaine or a Schedule 1 or 2 narcotic drug not included in the above two penalty groups, or a mixture containing it, would be a felony punishable as follows:

- For 1,000 grams or more: imprisonment for up to 30 years or a fine of up to \$1.0 million, or both.

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<sup>1</sup> <http://legislature.mi.gov/documents/mcl/pdf/mcl-333-7107.pdf>. *Narcotic drug* includes substances produced directly or indirectly by extraction from substances of vegetable origin, those produced independently by means of chemical synthesis, and those produced by a combination of extraction and chemical synthesis

<sup>2</sup> <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-333-7108.pdf> In addition, *opiate* does not include, unless specifically designated as controlled under section 7212 of the code, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan (dextromethorphan) and its salts—but it does include its racemic and levorotatory forms.

- For at least 450 grams but less than 1,000 grams: imprisonment for up to 20 years or a fine of up to \$500,000, or both.
- For at least 50 grams but less than 450 grams: imprisonment for up to 20 years or a fine of up to \$250,000, or both. (*This is the same as current law.*)
- For less than 50 grams: imprisonment for up to 10 years or a fine of up to \$25,000, or both.

**Table 1** provides a comparison of maximum penalties in current law and the bill.

**Table 1. Maximum Penalties under Current Law and House Bill 5124**

	Current Law	House Bill 5124		
		A	B	C
	Cocaine or a Schedule 1 or 2 controlled substance that is a narcotic drug or any mixture containing those substances	Heroin, fentanyl, or carfentanil or a derivative of such a substance or a mixture containing such a substance or derivative	Schedule 1 or 2 opiate not included in Column A or a derivative of such a substance or a mixture containing such a substance or derivative <sup>3</sup>	Cocaine or a Schedule 1 or 2 controlled substance that is a narcotic drug and is not included in Column A or B or a mixture containing such a substance <sup>4</sup>
1,000 grams or more	Life \$1.0 million	Life \$1.0 million	Life \$1.0 million	30 years \$1.0 million
At least 450 but less than 1,000 grams	30 years \$500,000	30 years \$500,000	30 years \$500,000	20 years \$500,000
At least 50 but less than 450 grams	20 years \$250,000	20 years \$250,000	20 years \$250,000	20 years \$250,000
Less than 50 grams	20 years \$25,000	20 years \$25,000	10 years \$25,000	10 years \$25,000

All violations are felonies punishable by imprisonment, a fine, or both. Penalties shown in the table are maximums. Shading denotes a proposed change from current law.

MCL 333.7401

<sup>3</sup> The penalties for this category would apply to the manufacture, delivery, or possession with intent of such opiates as, for example, clonitazene, dextromoramide, difenoxin, meperidine (Demerol®), methadone, normethadone, piritramide, tapentadol, and tilidine. See Appendix A for a more complete listing.

<sup>4</sup> The penalties for this category would apply to the manufacture, delivery, or possession with intent of cocaine or such non-opiate opium-derived drugs as, for example, codeine, etorphine, hydrocodone (Vicodin®), hydromorphone (Dilaudid®), laudanum, morphine, nicomorphine, opium, oxycodone (OxyContin®, Percocet®), and oxymorphone (Opana®). See Appendix A for a more complete listing.

**House Bill 5126** would amend the sentencing guidelines in the Code of Criminal Procedure to raise the felony classification of certain crimes involving heroin, fentanyl, or carfentanil and lower the classifications of certain crimes involving cocaine or Schedule 1 or 2 drugs that are derived from opium but not classed as opiates. The bill would also reflect the penalty groups and maximum terms of imprisonment proposed by House Bill 5124.

**Table 2** shows the changes proposed by House Bill 5126.

**Table 2. Statutory Maximums and Felony Classifications in the Sentencing Guidelines under Current Law and House Bill 5126**

	Current Law	House Bill 5126		
		A	B	C
	Cocaine or a Schedule 1 or 2 controlled substance that is a narcotic drug or any mixture containing those substances	Heroin, fentanyl, or carfentanil or a derivative of such a substance or a mixture containing such a substance or derivative	Schedule 1 or 2 opiate not included in Column A or a derivative of such a substance or a mixture containing such a substance or derivative	Cocaine or a Schedule 1 or 2 controlled substance that is a narcotic drug and is not included in Column A or B or a mixture containing such a substance
1,000 grams or more	Life  Class A	Life  Class A	Life  Class A	30 years  Class B
At least 450 but less than 1,000 grams	30 years  Class A	30 years  Class A	30 years  Class A	20 years  Class B
At least 50 but less than 450 grams	20 years  Class B	20 years  Class A	20 years  Class B	20 years  Class C
Less than 50 grams	20 years  Class D	20 years  Class B	10 years  Class D	10 years  Class D

Shading denotes a change from current law **proposed by this bill** or bill to reflect **changes proposed by HB 5124**.

The bill also would make a technical correction to reflect changes made to the Public Health Code by 2001 PA 236.

MCL 777.13m

**House Bill 5125** would amend the Code of Criminal Procedure to allow a court to order probation for certain controlled substance offenses. The code generally allows the court to place a defendant who has been found guilty of a crime on probation if it determines that the defendant is not likely to engage in an offensive or criminal course of conduct and that the public good does not require probation to be denied. However, certain crimes, including *major controlled substance offenses*, are not eligible for probation.

*Major controlled substance offense* means a violation of section 7401(2)(a) or 7403(2)(a)(i) to (iv) of the Public Health Code.<sup>5</sup>

Under the bill, a defendant could be sentenced to probation for the unlawful manufacture or delivery, or possession with intent to manufacture or deliver, of cocaine or a Schedule 1 or 2 narcotic drug (except for heroin, fentanyl, or carfentanil or their derivatives) in an amount of less than 50 grams of any mixture containing that substance. (See Appendix A for a list of narcotic drugs on Schedules 1 and 2.)

The bill would apply only to those found guilty of manufacturing, delivery, or possession with intent to manufacture or deliver the specified substances. A defendant found guilty of simple possession of cocaine or any Schedule 1 or 2 narcotic drug, in any amount, would not be eligible for probation under the bill.

MCL 771.1

Each bill would take effect 90 days after being enacted. House Bills 5125 and 5126 cannot take effect unless House Bill 5124 is also enacted.

## **BACKGROUND:**

### **Drug classifications**

A controlled substance is placed in *Schedule 1* if it has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

A *Schedule 2* controlled substance also has high potential for abuse, and its abuse may lead to severe psychic or physical dependence, but it has currently accepted medical use in treatment in the United States, including medical use with severe restrictions.

*Heroin* is not given a specific definition for purposes of the Public Health Code. It is a narcotic drug that is made from morphine, a substance derived from opium poppy plants. It was first developed commercially by the Bayer Company in Germany at the end of the 1800s, in part to address the fact that many cough remedies of the day contained morphine or codeine and thus themselves were addictive and fostered user tolerance (the need for larger or more frequent doses to attain the same effect). Heroin is now a Schedule 1 controlled substance, which means that it has high potential for abuse and no accepted medical uses.

*Fentanyl* is not given a specific definition for purposes of the Public Health Code. It is a synthetic narcotic drug that was first synthesized in the 1950s by chemists at Janssen

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<sup>5</sup> <http://legislature.mi.gov/doc.aspx?mcl-333-7401> and <http://legislature.mi.gov/doc.aspx?mcl-333-7403>. These provisions establish penalties related to the unlawful possession (section 7403) or unlawful manufacture, delivery, or possession with intent (section 7401) of cocaine and Schedule 1 or 2 narcotic drugs.

Pharmaceutical in Belgium. It is a Schedule 2 controlled substance, which means that it has high potential for abuse but some accepted medical uses—most commonly to mitigate the pain of certain patients with cancer.

*Carfentanil* is not given a specific definition for purposes of the Public Health Code. It is a fentanyl-related narcotic drug that was first synthesized by chemists at Janssen Pharmaceutical in 1974. It is a Schedule 2 controlled substance that is used by veterinarians as a tranquilizer for elephants and other large mammals. It is not approved for human use.

*Cocaine* is not given a specific definition for purposes of the Public Health Code. It is an addictive stimulant drug, made from the leaves of the coca plant, that was first isolated in a laboratory in the mid-1800s. It is a Schedule 2 controlled substance, with limited medical use as a topically applied local anesthetic.

### **Felony classifications in the sentencing guidelines**

Michigan uses an indeterminate sentencing structure under which the maximum term of imprisonment that may be imposed for an offense is established in law and an appropriate range of imprisonment for a particular offender is determined by scoring their prior record and various elements of the crime and using a sentencing grid based on the felony classification of the offense (Class A through Class H)<sup>6</sup> to determine an advisory sentence range appropriate for the offense and the offender. The score, and which grid must be used, can determine whether an offender is recommended to be sentenced to community sanctions, such as probation, or recommended to be imprisoned (and, if so, for how long).<sup>7</sup>

The length of a recommended maximum sentence is generally highest for Class A felonies (life or any term of years) and goes down as one moves through the alphabet to, say, Class C (up to 15 years) or Class E (up to five years) or Class G (up to two years). Similarly, the recommended minimum sentence of the sentencing range is highest for Class A felonies and generally decreases with each class that follows.

Classifying an offense as a Class A felony under the sentencing guidelines, instead of Class B, or as Class B instead of Class D, thus would likely increase the recommended minimum and maximum sentences for an offense. This could also increase an offender's chances of being sentenced to imprisonment for the crime. House Bill 5126 would make this change for applicable offenses involving heroin, fentanyl, carfentanil, or their derivatives.

Conversely, reclassifying from Class A to Class B or from Class B to Class C could decrease the recommended minimum and maximum sentences for that offense or decrease the likelihood of a sentence of imprisonment. House Bill 5126 would make this change for applicable offenses involving cocaine and any Schedule 1 or 2 narcotic drugs that are not heroin, fentanyl, carfentanil, or other opiates, or their derivatives.

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<sup>6</sup> There is also an M2 classification (second degree murder), with a maximum sentence of life or any term of years.

<sup>7</sup> The sentencing guidelines are advisory only, and not mandatory, following the Michigan Supreme Court's decision in *People v Lockridge*, 498 Mich 358 (2015). While the sentencing court is still required to determine the applicable guidelines range and take it into account when imposing a sentence, it may reasonably depart from the recommended range. See <https://mjeducation.mi.gov/documents/sgm-files/94-sgm/file>

**Previous legislation**

The bills are similar to House Bills 5137, 5138, and 5299 of the 2019-20 legislative session and to House Bills 4243, 4244, and 4245 of the 2021-22 legislative session.

**FISCAL IMPACT:**

**House Bill 5124** would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, maximum terms of imprisonment would be reduced for violations involving cocaine or Schedule 1 or 2 narcotic drugs that are not classified as opiates. The state would realize a savings related to costs for state prisons and state probation supervision if the bill results in a decrease in the amount of time offenders would serve in prison. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Because there is no practical way to determine the number of maximum sentences that would be reduced under provisions of the bill, an estimate of the amount of savings to the state cannot be made. The fiscal impact to local units would depend on how provisions of the bill affected court caseloads and the related administrative costs. Any change in penal fine revenue would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

**House Bill 5125** would have an indeterminate fiscal impact on the state and on local units of government. Under the bill, specific offenses that currently are ineligible for probation would become eligible for probation. This would result in offenders spending less time in jails and/or prisons, which would result in a savings to the state and/or to local units of government. An increase in the number of offenders sentenced to terms of probation would mean an increase in probation supervision costs. Costs of local incarceration in county jails and local misdemeanor probation supervision, and how those costs are financed, vary by jurisdiction. In fiscal year 2023, the average cost of prison incarceration in a state facility was roughly \$48,700 per prisoner per year, a figure that includes various fixed administrative and operational costs. State costs for parole and felony probation supervision averaged about \$5,400 per supervised offender in the same year. Those costs are financed with state general fund/general purpose revenue. Any impact on local court systems would depend on how provisions of the bill affected court caseloads and related administrative costs. Any change in penal fine revenue would affect funding for public and county law libraries, which are the constitutionally designated recipients of those revenues.

**House Bill 5126** is a companion bill to HB 5124 and would amend the sentencing guidelines chapter of the Code of Criminal Procedure to change the felony classification for crimes involving the manufacture or delivery of heroin, fentanyl, carfentanil, or their derivatives from Class B and Class D felonies (depending on the amount manufactured and/or delivered) to Class A and Class B felonies, respectively. Also, under the bill, sentencing guidelines would be amended to change the statutory sentence for delivery of certain Schedule 1 or 2 narcotic drugs or cocaine from Class A and Class B felonies (depending on the amount manufactured and/or delivered) to Class B and Class C felonies, respectively. The bill would not have a direct fiscal impact on the state or on local units of government.

## APPENDIX A – NARCOTIC DRUGS ON SCHEDULES 1 AND 2

Narcotic drugs on Schedules 1 and 2 are listed below, grouped as opiates and non-opiates.<sup>8</sup>

The bills would apply *only* to violations involving the manufacture or delivery, or possession with the intent to manufacture or deliver, of cocaine and Schedule 1 and 2 narcotic drugs.

In Tables 1 and 2 of this summary, Column A would pertain to heroin, fentanyl, or carfentanil or a derivative of heroin, fentanyl, or carfentanil. Column B would pertain to drugs designated below as opiates, except for fentanyl or carfentanil or any derivatives of heroin, fentanyl, or carfentanil. Column C would pertain to drugs designated below as non-opiates, except for heroin or any derivatives of heroin, fentanyl, or carfentanil.

Note that some substances are listed in the federal schedules temporarily subject to emergency scheduling. They are narcotic drugs, but are not definitively categorized as either opiates or non-opiates in the schedules consulted. Although they are listed separately below, they seem more likely to be classed as opiates than not.

Also note that cocaine, coca leaves, and ecgonine are flagged as narcotic drugs in federal schedules, while also being classed as stimulants. However, this would have no bearing on the scope of the bill, as it separately designates cocaine in its provisions.

### Schedule 1 Opiates:

- 1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine (a.k.a. PEPAP, synthetic heroin)
- 1-Methyl-4-phenyl-4-propionoxypiperidine (a.k.a. MPPP, synthetic heroin)
- 2',5'-Dimethoxyfentanyl (N-(1-(2,5-dimethoxyphenethyl)piperidin-4-yl)-N-phenylpropionamide)
- 2'-Fluoro ortho-fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (a.k.a. 2'-fluoro 2-fluorofentanyl)
- 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (a.k.a. Methoxyacetyl fentanyl)
- 3-Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide)
- 3-Methylfentanyl (a.k.a. China White, fentanyl)
- 3-Methylthiofentanyl (a.k.a. China White, fentanyl)
- 4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide) (a.k.a. para-fluoroisobutyryl fentanyl)
- 4'-Methyl acetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide)

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<sup>8</sup> The federal schedule ([https://www.deadiversion.usdoj.gov/schedules/orangebook/c\\_cs\\_alpha.pdf](https://www.deadiversion.usdoj.gov/schedules/orangebook/c_cs_alpha.pdf)) indicates which substances are narcotic drugs. Sections 7212 and 7214 of the Public Health Code list substances included in Schedules 1 and 2, respectively (<http://legislature.mi.gov/doc.aspx?mcl-333-7212> and <http://legislature.mi.gov/doc.aspx?mcl-333-7214>). State law largely mirrors federal law (<https://www.law.cornell.edu/uscode/text/21/812>), and both divide substances into categories such as “opiates” and “opium derivatives” (<https://www.ecfr.gov/current/title-21/chapter-II/part-1308>). Note that the administrative rules governing controlled substances adopt federal schedules, with modifications as described. (<https://ars.apps.lara.state.mi.us/AdminCode/DownloadAdminCodeFile?FileName=R%20338.3101%20to%20R%20338.3199q.pdf&ReturnHTML=True>).

- Acetyl Fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
- Acetyl-alpha-methylfentanyl
- Acetylmethadol (a.k.a. methadyl acetate)
- Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide) (a.k.a. Acryloylfentanyl)
- AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide))
- Allylprodine
- Alphacetylmethadol, except levo-alphacetylmethadol
- Alphameprodine
- Alphamethadol
- alpha'Methyl butyryl fentanyl (2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)
- Alpha-methylfentanyl (a.k.a. China White, fentanyl)
- Alpha-methylthiofentanyl (a.k.a. China White, fentanyl)
- Benzethidine
- Betacetylmethadol
- Beta-hydroxy-3-methylfentanyl (a.k.a. China White, fentanyl)
- Beta-hydroxyfentanyl (a.k.a. China White, fentanyl)
- Beta-hydroxythiofentanyl (a.k.a. N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide, N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide)
- Betameprodine
- Betamethadol
- beta-Methyl fentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide
- beta'-Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (a.k.a. 3-phenylpropanoyl fentanyl)
- Betaprodine
- Brorphine (1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one) (a.k.a. 1-[1-[1-(4-bromophenyl)ethyl]-4-piperidinyl]-1,3-dihydro-2H-benzimidazol-2-one))
- Butyryl Fentanyl (a.k.a. N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)
- Clonitazene
- Crotonyl fentanyl ((E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide)
- Cyclopentyl fentanyl (a.k.a. N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)
- Cyclopropyl Fentanyl (a.k.a. N-(1-phenethylpiperidin-4-yl)-phenylcyclopropanecarboxamide)
- Dextromoramide (a.k.a. Palfium, Jetrium, Narcolo)
- Diampromide
- Diethylthiambutene
- Difenoixin (a.k.a. Lyspafen)
- Dimenoxadol
- Dimepheptanol
- Dimethylthiambutene
- Dioxaphetyl butyrate

- Dipipanone (a.k.a. Dipipan, phenylpiperone HCl, Diconal, Wellconal)
- Ethylmethylthiambutene
- Etonitazene
- Etoxeridine
- Fentanyl carbamate (ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate)
- Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)
- Furethidine
- Hydroxypethidine
- Isobutyryl fentanyl (a.k.a. N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)
- Isotonitazene (N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine) (a.k.a. N,N-diethyl-2-[[4-(1-methylethoxy)phenyl]methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
- Isovaleryl fentanyl (3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide)
- Ketobemidone (a.k.a. Cliradon)
- Levomoramide
- Levophenacymorphan
- meta-Fluorofentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide)
- meta-Fluoroisobutyryl fentanyl (N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
- Metonitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)
- Morpheridine
- MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine))
- N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (a.k.a. tetrahydrofuranyl fentanyl)
- Noracymethadol
- Norlevorphanol
- Normethadone (a.k.a. Phenylidimazone)
- Norpipanone
- Ocfentanil (a.k.a. N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)
- ortho-Fluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide)
- ortho-Fluorobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (a.k.a. 2-fluorobutyryl fentanyl))
- ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide) (a.k.a. 2-fluorofentanyl)
- ortho-Fluorofuranyl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)
- ortho-Fluoroisobutyryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
- ortho-Methyl acetylfentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (a.k.a. 2-methyl acetylfentanyl))
- ortho-Methyl methoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide) (a.k.a. 2-methyl methoxyacetyl fentanyl)

- Para-chloroisobutyryl fentanyl (a.k.a. N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
- Para-Fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)
- Para-fluorobutyryl fentanyl (a.k.a. N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)
- Para-Fluorofentanyl (a.k.a. China White, fentanyl)
- Para-methoxybutyryl fentanyl (a.k.a. N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)
- para-Methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)
- para-Methylcyclopropylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide)
- Para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (a.k.a. 4-methylfentanyl)
- Phenadoxone
- Phenampromide
- Phenomorphan
- Phenoperidine (a.k.a. Operidine, Lealgin)
- Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl fentanyl)
- Pir tramide (a.k.a. Piridolan)
- Proheptazine
- Properidine
- Propiram (a.k.a. Algeril)
- Racemoramide
- Thiofentanyl (a.k.a. Chine white, fentanyl)
- Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (a.k.a. 2-thiofuranyl fentanyl; thiophene fentanyl)
- Tilidine (a.k.a. Tilidate, Valoron, Kitadol, Lak, Tilsa)
- Trimeperidine (a.k.a. Promedolum)
- U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)
- Valeryl fentanyl (a.k.a. N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)
- Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol)

**Schedule 1 Non-opiates:**

- Acetorphine
- Acetyldihydrocodeine (a.k.a. Acetylcodeine)
- Benzylmorphine
- Codeine methylbromide
- Codeine-N-oxide
- Cyprenorphine
- Desomorphine
- Dihydromorphine
- Drotebanol (a.k.a. Metebanyl, oxymethebanol)

- Etorphine (except etorphine HCl)
- Heroin (a.k.a. diacetylmorphine, diamorphine)
- Hydromorphenol
- Methyldesorphine
- Methyldihydromorphine
- Morphine methylbromide
- Morphine methylsulfonate
- Morphine-N-oxide
- Myrophine
- Nicocodeine
- Nicomorphine (a.k.a. Vilan)
- Normorphine
- Pholcodine (a.k.a. Copholco, Adaphol, Codisol, Lantuss, Pholcolin)
- Thebacon (a.k.a. Acetylhydrocodone, Acedicon, Thebacetyl)

**Schedule 1 substances subject to emergency scheduling:**

- Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)
- Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)
- Fentanyl related-substances as defined in 21 CFR 1308.11(h)
- Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)
- Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)
- N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole) (a.k.a. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole)
- Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)
- Butonitazene (2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)
- Etodesnitazene; etazene (2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine)
- Fentanyl related-substances as defined in 21 CFR 1308.11(h)
- Flunitazene (N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)
- Metodesnitazene (N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)
- N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (a.k.a. Ortho-fluorofentanyl or 2-fluorofentanyl)
- N-pyrrolidino etonitazene; etonitazepyne (2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole) (a.k.a. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole)
- Protonitazene (N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine)

**Schedule 2 Opiates:**

- Alfentanil (a.k.a. Alfenta)
- Alphaprodine (a.k.a. Nisentil)
- Anileridine (a.k.a. Leritine)
- Bezitramide (a.k.a. Burgodin)
- Carfentanil (a.k.a. Wildnil)
- Dextropropoxyphene, bulk (non-dosage forms) (a.k.a. Propoxyphene)
- Dihydrocodeine (a.k.a. Didrate, Parzone)
- Diphenoxylate
- Fentanyl (a.k.a. Duragesic, Oralet, Actiq, Sublimaze, Innovar)
- Isomethadone (a.k.a. Isoamidone)
- Levo-alphacetylmethadol (a.k.a. LAAM, long-acting methadone, levomethadyl acetate)
- Levomethorphan
- Levorphanol (a.k.a. Levo-Dromoran)
- Meperidine (a.k.a. Demerol, Mepergan, pethidine)
- Meperidine intermediate-A (a.k.a. meperidine precursor)
- Meperidine intermediate-B (a.k.a. meperidine precursor, normeperidine)
- Meperidine intermediate-C (a.k.a. meperidine precursor)
- Metazocine
- Methadone (a.k.a. Dolophine, Methadose, Amidone)
- Methadone intermediate (a.k.a. methadone precursor)
- Moramide-intermediate
- Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] (2-[(9R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan-9-yl]ethyl } amine fumarate)
- Phenazocine (a.k.a. Narphen, Prinadol)
- Piminodine
- Racemethorphan
- Racemorphan (a.k.a. Dromoran)
- Remifentanil (a.k.a. Ultiva)
- Sufentanil (a.k.a. Sufenta)
- Tapentadol
- Thiafentanil (a.k.a. Thianil)

**Schedule 2 Non-opiates:**

- Coca leaves
- Cocaine (a.k.a. methyl benzoylecgonine, crack)
- Codeine (a.k.a. morphine methyl ester, methyl morphine)
- Dihydroetorphine (a.k.a. DHE)
- Ecgonine (a.k.a. cocaine precursor, in coca leaves)
- Ethylmorphine (a.k.a. Dionin)
- Etorphine HCl (a.k.a. M 99)
- Hydrocodone (a.k.a. dihydrocodeinone)
- Hydromorphone (a.k.a. Dilaudid, dihydromorphinone)
- Metopon
- Morphine (a.k.a. MS Contin, Roxanol, Oramorph, RMS, MSIR)

- Noroxymorphone
- Norfentanyl (N-phenyl-N-(piperidin-4-yl)propionamide)<sup>9</sup>
- Opium extracts
- Opium fluid extract
- Opium poppy (a.k.a. *Papaver somniferum*)
- Opium tincture (a.k.a. laudanum)
- Opium, granulated
- Opium, powdered
- Opium, raw (a.k.a. gum opium)
- Oripavine
- Oxycodone (a.k.a. OxyContin, Percocet, Endocet, Roxicodone, Roxicet)
- Oxymorphone (a.k.a. Numorphan)
- Poppy straw (a.k.a. opium poppy capsules, poppy heads)
- Poppy straw concentrate (a.k.a. CPS)
- Thebaine (precursor of many narcotics)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

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<sup>9</sup> Norfentanyl is separately scheduled as a narcotic that is an immediate precursor to fentanyl. It is not specifically scheduled as an opiate, although fentanyl is.