

**Fifty-fifth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Monday, the sixth day of January,
one thousand nine hundred and ninety-seven**

SENATE BILL NO. 2285
(Senators W. Stenehjem, Nalewaja, Watne)
(Representatives Kliniske, Poolman, Stenehjem)

AN ACT to amend and reenact subdivision b of subsection 1 of section 12.1-20-03, subdivision c of subsection 1 of section 12.1-20-07, subsection 6 of section 19-03.1-05, subsection 4 of section 19-03.1-07, and subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances in sex crimes and the categorizing of controlled substances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 12.1-20-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. ~~He~~ That person or someone with ~~his~~ that person's knowledge has substantially impaired the victim's power to appraise or control ~~his or her~~ the victim's conduct by administering or employing without ~~his or her~~ the victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means with intent to prevent resistance;

SECTION 2. AMENDMENT. Subdivision c of subsection 1 of section 12.1-20-07 of the North Dakota Century Code is amended and reenacted as follows:

- c. ~~He~~ That person or someone with ~~his~~ that person's knowledge has substantially impaired the ~~other person's~~ victim's power to appraise or control ~~his or her~~ the victim's conduct, by administering or employing without the ~~other's~~ victim's knowledge intoxicants, a controlled substance as defined in chapter 19-03.1, or other means for the purpose of preventing resistance;

SECTION 3. AMENDMENT. Subsection 6 of section 19-03.1-05 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Flunitrazepam.
 - b. Mecloqualone.
 - ~~b.~~ c. Methaqualone.

SECTION 4. AMENDMENT. Subsection 4 of section 19-03.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:
 - a. Alfentanil.
 - b. Alphaprodine.

- c. Anileridine.
- d. Bezitramide.
- e. Bulk dextropropoxyphene (nondosage forms).
- f. Carfentanil.
- g. Dihydrocodeine.
- h. Diphenoxylate.
- i. Fentanyl.
- j. Isomethadone.
- k. Levomethorphan.
- l. Levorphanol.
- m. Metazocine.
- n. Methadone.
- o. Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- p. Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- q. Pethidine (also known as meperidine).
- r. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
- s. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4- carboxylate.
- t. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4- carboxylic acid.
- u. Phenazocine.
- v. Priminodine.
- w. Racemethorphan.
- x. Racemorphan.
- y. Remifentanil.
- z. Sufentanil.

SECTION 5. AMENDMENT. Subsection 4 of section 19-03.1-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Alprazolam.
 - b. Barbital.
 - c. Bromazepam.
 - d. Camazepam.

- e. Chloral betaine.
- f. Chloral hydrate.
- g. Chlordiazepoxide.
- h. Clobazam.
- i. Clonazepam.
- j. Clorazepate.
- k. Clotiazepam.
- l. Cloxazolam.
- m. Delorazepam.
- n. Diazepam.
- o. Estazolam.
- p. Ethchlorvynol.
- q. Ethinamate.
- r. Ethyl loflazepate.
- s. Fludiazepam.
- t. ~~Flunitrazepam.~~
- ~~u.~~ u. Flurazepam.
- ~~v.~~ u. Halazepam.
- ~~w.~~ v. Haloxazolam.
- ~~x.~~ w. Ketazolam.
- ~~y.~~ x. Loprazolam.
- ~~z.~~ y. Lorazepam.
- ~~aa.~~ z. Lormetazepam.
- ~~bb.~~ aa. Mebutamate.
- ~~cc.~~ bb. Medazepam.
- ~~dd.~~ cc. Meprobamate.
- ~~ee.~~ dd. Methohexital.
- ~~ff.~~ ee. Methylphenobarbital (also known as mephobarbital).
- ~~gg.~~ ff. Midazolam.
- ~~hh.~~ gg. Nimetazepam.
- ~~ii.~~ hh. Nitrazepam.
- ~~jj.~~ ii. Nordiazepam.
- ~~kk.~~ jj. Oxazepam.

†: kk. Oxazolam.
‡: ll. Paraldehyde.
§: mm. Petrichloral.
¶: nn. Phenobarbital.
⊗: oo. Pinazepam.
⊘: pp. Prazepam.
⊙: qq. Quazepam.
⊚: rr. ~~Temazepam~~ Temazepam.
⊛: ss. Tetrazepam.
⊜: tt. Triazolam.
⊝: uu. Zolpidem.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2285.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 92 Nays 0 Absent 5

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1997.

Approved at _____ M. on _____, 1997.

Governor

Filed in this office this _____ day of _____, 1997,

at _____ o'clock _____ M.

Secretary of State