

Drug Enforcement Administration, Justice

§ 1308.15

(1) Alprazolam 2882
 (2) Barbital 2145
 (3) Bromazepam 2748
 (4) Camazepam 2749
 (5) Chloral betaine 2460
 (6) Chloral hydrate 2465
 (7) Chlordiazepoxide 2744
 (8) Clobazam 2751
 (9) Clonazepam 2737
 (10) Clorazepate 2768
 (11) Clotiazepam 2752
 (12) Cloxazolam 2753
 (13) Delorazepam 2754
 (14) Diazepam 2765
 (15) Dichloralphenazone 2467
 (16) Estazolam 2756
 (17) Ethchlorvynol 2540
 (18) Ethinamate 2545
 (19) Ethyl loflazepate 2758
 (20) Fludiazepam 2759
 (21) Flunitrazepam 2763
 (22) Flurazepam 2767
 (23) Halazepam 2762
 (24) Haloxazolam 2771
 (25) Ketazolam 2772
 (26) Loprazolam 2773
 (27) Lorazepam 2885
 (28) Lormetazepam 2774
 (29) Mebutamate 2800
 (30) Medazepam 2836
 (31) Meprobamate 2820
 (32) Methohexital 2264
 (33) Methylphenobarbital (mephobarbital) 2250
 (34) Midazolam 2884
 (35) Nimetazepam 2837
 (36) Nitrazepam 2834
 (37) Nordiazepam 2838
 (38) Oxazepam 2835
 (39) Oxazolam 2839
 (40) Paraldehyde 2585
 (41) Petrichloral 2591
 (42) Phenobarbital 2285
 (43) Pinazepam 2883
 (44) Prazepam 2764
 (45) Quazepam 2881
 (46) Temazepam 2925
 (47) Tetrazepam 2886
 (48) Triazolam 2887
 (49) Zaleplon 2781
 (50) Zolpidem 2783
 (51) Zopiclone 2784

(2) Diethylpropion 1610
 (3) Fencamfamin 1760
 (4) Fenproporex 1575
 (5) Mazindol 1605
 (6) Mefenorex 1580
 (7) Modafinil 1680
 (8) Pemoline (including organometallic complexes and chelates thereof) 1530
 (9) Phentermine 1640
 (10) Pipradrol 1750
 (11) Sibutramine 1675
 (12) SPA ((-)-1-dimethylamino- 1,2-diphenylethane) 1635

(f) *Other substances.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Pentazocine 9709
 (2) Butorphanol (including its optical isomers) 9720

[39 FR 22143, June 20, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1308.14, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 1308.15 Schedule V.

(a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) *Narcotic drugs.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) [Reserved]

(c) *Narcotic drugs containing non-narcotic active medicinal ingredients.* Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more non-narcotic 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:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.

(d) *Fenfluramine.* Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine 1670

(e) *Stimulants.* 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 stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Cathine ((+)-norpseudoephedrine) 1230

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(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) *Stimulants.* Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Pyrovalerone1485.
- (2) [Reserved]

(e) *Depressants.* Unless specifically exempted or excluded 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, including its salts:

- (1) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid] 2782
- (2) [Reserved]

[39 FR 22143, June 20, 1974, as amended at 43 FR 38383, Aug. 28, 1978; 44 FR 40888, July 13, 1979; 47 FR 49841, Nov. 3, 1982; 50 FR 8108, Feb. 28, 1985; 52 FR 5952, Feb. 27, 1987; 53 FR 10870, Apr. 4, 1988; 56 FR 61372, Dec. 3, 1991; 67 FR 62370, Oct. 7, 2002; 70 FR 43635, July 28, 2005]

EXCLUDED NONNARCOTIC SUBSTANCES

§ 1308.21 Application for exclusion of a nonnarcotic substance.

(a) Any person seeking to have any nonnarcotic drug that may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301), be lawfully sold over the counter without a prescription, excluded from any schedule, pursuant to section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)), may apply to the Administrator, Drug Enforcement Administration, Department of Justice, Washington, DC 20537.

(b) An application for an exclusion under this section shall contain the following information:

- (1) The name and address of the applicant;
- (2) The name of the substance for which exclusion is sought; and
- (3) The complete quantitative composition of the substance.

(c) Within a reasonable period of time after the receipt of an application for an exclusion under this section, the Administrator shall notify the applicant of his acceptance or nonacceptance of his application, and if not accepted, the reason therefore. The Administrator need not accept an application for filing if any of the requirements prescribed in paragraph (b) of this section is lacking or is not set forth as to be readily understood. If the applicant desires, he may amend the application to meet the requirements of paragraph (b) of this section. If the application is accepted for filing, the Administrator shall issue and publish in the FEDERAL REGISTER his order on the application, which shall include a reference to the legal authority under which the order is issued and the findings of fact and conclusions of law upon which the order is based. This order shall specify the date on which it shall take effect. The Administrator shall permit any interested person to file written comments on or objections to the order within 60 days of the date of publication of his order in the FEDERAL REGISTER. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke, or amend his original order as he determines appropriate.

(d) The Administrator may at any time revoke any exclusion granted pursuant to section 201(g) of the Act (21 U.S.C. 811(g)) by following the procedures set forth in paragraph (c) of this section for handling an application for