

HOUSE BILL 402

L2, E1

EMERGENCY BILL

3lr1159
CF SB 320

By: **Frederick County Delegation**

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Authority to Ban Synthetic Cannabinoids**

3 FOR the purpose of authorizing the County Commissioners of Frederick County to
4 enact an ordinance that prohibits the knowing or intentional possession of
5 synthetic cannabinoids; prohibiting the sale or manufacture of synthetic
6 cannabinoids; making real property used in violation of the ordinance a
7 nuisance; providing for civil and criminal penalties for a violation of the
8 ordinance; defining a certain term; making this Act an emergency measure;
9 providing for the application of this Act; and generally relating to synthetic
10 cannabinoids in Frederick County.

11 BY adding to

12 Article 25 – County Commissioners
13 Section 221C
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2012 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 25 – County Commissioners**

19 **221C.**

20 (A) (1) IN THIS SECTION, “SYNTHETIC CANNABINOID” MEANS A
21 CHEMICAL COMPOUND THAT IS CHEMICALLY SYNTHESIZED; AND

22 (I) HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY
23 AT ONE OR MORE CANNABINOID RECEPTORS; OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) IS A CHEMICAL ANALOG OR ISOMER OF A COMPOUND
2 THAT HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE
3 CANNABINOID RECEPTORS.

4 (2) "SYNTHETIC CANNABINOID" INCLUDES:

5 (I) 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-
6 NAPHTHOYL)INDOLE (JWH-200);

7 (II) 1-BUTYL-3-(1-NAPHTHOYL)INDOLE (JWH-073);

8 (III) 1-HEXYL-3-(1-NAPHTHOYL)INDOLE (JWH-019);

9 (IV) 1-PENTYL-3-(1-NAPHTHOYL)INDOLE (JWH-018);

10 (V) 1-PENTYL-3-(2-METHOXYPHENYLACETYL)INDOLE
11 (JWH-250);

12 (VI) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL)INDOLE
13 (JWH-398);

14 (VII) 2-[(1R, 3S)-3-HYDROXYCYCLOHEXYL]-5-(2-
15 METHYLOCTAN-2-YL)PHENOL (CP 47, 497 AND ITS C6, C7, C8, AND C9
16 HOMOLOGUES);

17 (VIII) (2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-
18 NAPHTHALENYL-METHANONE (JWH-015);

19 (IX) 1-HEXYL-3-(NAPHTHALEN-1-OYL)INDOLE (JWH-019);

20 (X) (6AR, 10AR)-9-(HYDROXYMETHYL)-6, 6-DIMETHYL-
21 3(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-TETRAHYDROBENZO[C] CHROMEN-1-
22 OL) (HU-210);

23 (XI) DEXANABINOL (6AS, 10AS)-9-(HYDROXYMETHYL)-6, 6-
24 DIMETHYL-3-(2-METHYLOCTAN-2-YL)-6A, 7, 10, 10A-TETRAHYDROBENZO[C]
25 CHROMEN-1-OL (HU-211);

26 (XII) 2-(3-HYDROXYCYCLOHEXYL)-5-(2-METHYLHEPTAN-2-
27 YL)PHENOL;

28 (XIII) 2-(3-HYDROXYCYCLOHEXYL)-5-(2-METHYLNONAN-2-
29 YL)PHENOL;

1 **(XIV) 2-(3-HYDROXYCYCLOHEXYL)-5-(2-24 METHYLDECAN-**
2 **2-YL)PHENOL; AND**

3 **(XV) ANY PREPARATION, MIXTURE, OR SUBSTANCE**
4 **CONTAINING OR INFUSED WITH ANY DETECTABLE AMOUNT OF A SUBSTANCE**
5 **LISTED IN ITEMS (I) THROUGH (XIV) OF THIS PARAGRAPH.**

6 **(B) THE COUNTY COMMISSIONERS OF FREDERICK COUNTY MAY ADOPT**
7 **AN ORDINANCE THAT:**

8 **(1) PROHIBITS THE KNOWING OR INTENTIONAL POSSESSION OF**
9 **SYNTHETIC CANNABINOIDS;**

10 **(2) PROHIBITS THE SALE OR MANUFACTURE OF SYNTHETIC**
11 **CANNABINOIDS;**

12 **(3) MAKES REAL PROPERTY USED IN VIOLATION OF THE**
13 **ORDINANCE A NUISANCE; AND**

14 **(4) PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR A**
15 **VIOLATION OF THE ORDINANCE.**

16 **(C) THIS SECTION DOES NOT APPLY TO A DRUG:**

17 **(1) APPROVED BY THE FEDERAL FOOD AND DRUG**
18 **ADMINISTRATION; OR**

19 **(2) USED IN RESEARCH BY AN INSTITUTE OF HIGHER LEARNING**
20 **OR THE NATIONAL INSTITUTES OF HEALTH.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
22 measure, is necessary for the immediate preservation of the public health or safety,
23 has been passed by a ye and nay vote supported by three-fifths of all the members
24 elected to each of the two Houses of the General Assembly, and shall take effect from
25 the date it is enacted.