

HOUSE BILL 488

E1, L2

EMERGENCY BILL

3lr1898

By: **Frederick County Delegation**

Introduced and read first time: January 30, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Synthetic Cannabinoids – Prohibition**

3 FOR the purpose of prohibiting, in Frederick County, a person from using,
4 manufacturing, possessing, or distributing synthetic cannabinoids; establishing
5 criminal penalties for a violation of this Act; defining a certain term; making
6 this Act an emergency measure; and generally relating to synthetic
7 cannabinoids.

8 BY adding to

9 Article – Criminal Law

10 Section 5–629

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2012 Supplement)

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

15 **Article – Criminal Law**

16 **5–629.**

17 **(A) IN THIS SECTION, “SYNTHETIC CANNABINOIDS” MEANS A MATERIAL,**
18 **A COMPOUND, A MIXTURE, OR A PREPARATION THAT IS NOT LISTED AS A**
19 **CONTROLLED SUBSTANCE IN SCHEDULES I THROUGH V, IS NOT A FEDERAL**
20 **FOOD AND DRUG ADMINISTRATION APPROVED DRUG, AND CONTAINS A**
21 **QUANTITY OF THE FOLLOWING SUBSTANCES, THEIR SALTS, ISOMERS (WHETHER**
22 **OPTICAL, POSITIONAL, OR GEOMETRIC), HOMOLOGUES (ANALOGS), AND SALTS**
23 **OF ISOMERS AND HOMOLOGUES (ANALOGS), UNLESS SPECIFICALLY EXCEPTED,**
24 **WHENEVER THE EXISTENCE OF THESE SALTS, ISOMERS, HOMOLOGUES**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ANALOGS), AND SALTS OF ISOMERS AND HOMOLOGUES (ANALOGS) IS POSSIBLE
2 WITHIN THE SPECIFIC CHEMICAL DESIGNATION:

3 (1) NAPHTHOYLINDOLES OR ANY COMPOUND CONTAINING A
4 3-(1-NAPHTHOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
5 ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
6 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
7 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
8 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
9 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
10 INCLUDING JWH 015, JWH 018, JWH 019, JWH 073, JWH 081, JWH 122,
11 JWH 200, JWH 210, JWH 398, AM 2201, AND WIN 55212;

12 (2) NAPHTHYLMETHYLINDOLES OR ANY COMPOUND CONTAINING
13 A 1H-INDOL-3-YL-(1-NAPHTHYL)METHANE STRUCTURE WITH SUBSTITUTION
14 AT THE NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL,
15 ALKENYL, CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
16 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
17 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
18 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
19 INCLUDING JWH-175, AND JWH-184;

20 (3) NAPHTHOYLPYRROLES OR ANY COMPOUND CONTAINING A
21 3-(1-NAPHTHOYL)PYRROLE STRUCTURE WITH SUBSTITUTION AT THE
22 NITROGEN ATOM OF THE PYRROLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
23 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
24 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
25 NOT FURTHER SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT AND
26 WHETHER OR NOT SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT,
27 INCLUDING JWH 307;

28 (4) NAPHTHYLMETHYLINDENES OR ANY COMPOUND CONTAINING
29 A NAPHTHYLIDENEINDENE STRUCTURE WITH SUBSTITUTION AT THE
30 3-POSITION OF THE INDENE RING BY AN ALKYL, HALOALKYL, ALKENYL,
31 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-PIPERIDINYL)
32 METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR NOT FURTHER
33 SUBSTITUTED IN THE INDENE RING TO ANY EXTENT AND WHETHER OR NOT
34 SUBSTITUTED IN THE NAPHTHYL RING TO ANY EXTENT, INCLUDING JWH-176;

35 (5) PHENYLACETYLINDOLES OR ANY COMPOUND CONTAINING A
36 3-PHENYLACETYLINDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN
37 ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
38 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-

1 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
2 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
3 WHETHER OR NOT SUBSTITUTED IN THE PHENYL RING TO ANY EXTENT,
4 INCLUDING RCS-8 (SR-18), JWH 250, JWH 203, JWH-251, AND JWH-302;

5 (6) CYCLOHEXYLPHENOLS OR ANY COMPOUND CONTAINING A
6 2-(3-HYDROXYCYCLOHEXYL)PHENOL STRUCTURE WITH SUBSTITUTION AT THE
7 5-POSITION OF THE PHENOLIC RING BY AN ALKYL, HALOALKYL, ALKENYL,
8 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
9 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
10 NOT SUBSTITUTED IN THE CYCLOHEXYL RING TO ANY EXTENT, INCLUDING CP
11 47,497 (AND HOMOLOGUES(ANALOGS)), CANNABICYCLOHEXANOL, AND CP 55,
12 940;

13 (7) BENZOYLINDOLES OR ANY COMPOUND CONTAINING A
14 3-(BENZOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE NITROGEN ATOM
15 OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
16 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
17 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
18 NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND
19 WHETHER OR NOT SUBSTITUTED IN THE PHENYL RING TO ANY EXTENT,
20 INCLUDING AM 694, PRAVADOLINE (WIN 48,098), RCS 4, AND AM-679;

21 (8) [2,3-DIHYDRO-5-METHYL-3-(4-
22 ORPHOLINYL)METHYL)PYRROLO[1,2,3-DE]-1, 4-BENZOXAZIN-6-YL]-1-
23 NAPHTHALENYLMETHANONE, INCLUDING WIN 55,212-2;

24 (9) (6AR,1 OAR)-9-(HYDROXYMETHYL)-6, 6-DIMETHYL-3-(2-
25 METHYLOCTAN-2-YL)-6A,7,10,10A-TETRAHYDROBENZO[C]CHROMEN-L-OL
26 7370, INCLUDING HU-210;

27 (10) ADAMANTOYLINDOLES OR ANY COMPOUND CONTAINING A
28 3-(1-ADAMANTOYL)INDOLE STRUCTURE WITH SUBSTITUTION AT THE
29 NITROGEN ATOM OF THE INDOLE RING BY AN ALKYL, HALOALKYL, ALKENYL,
30 CYCLOALKYLMETHYL, CYCLOALKYLETHYL, 1-(N-METHYL-2-
31 PIPERIDINYL)METHYL, OR 2-(4-MORPHOLINYL)ETHYL GROUP, WHETHER OR
32 NOT FURTHER SUBSTITUTED IN THE ADAMANTYL RING SYSTEM TO ANY EXTENT,
33 INCLUDING AM-1248; OR

34 (11) ANY OTHER SYNTHETIC CHEMICAL COMPOUND THAT IS A
35 CANNABINOID RECEPTOR AGONIST AND MIMICS THE PHARMACOLOGICAL
36 EFFECT OF NATURALLY OCCURRING CANNABINOIDS THAT IS NOT LISTED IN

1 SCHEDULES II THROUGH V OR IS NOT A FEDERAL FOOD AND DRUG
2 ADMINISTRATION APPROVED DRUG.

3 (B) THIS SECTION APPLIES ONLY IN FREDERICK COUNTY.

4 (C) A PERSON MAY NOT USE, SELL, MANUFACTURE, POSSESS, OR
5 DISTRIBUTE SYNTHETIC CANNABINOIDS.

6 (D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
7 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
8 EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

9 (2) A PERSON CONVICTED OF THE USE OR POSSESSION OF LESS
10 THAN 10 GRAMS OF SYNTHETIC CANNABINOIDS IS SUBJECT TO IMPRISONMENT
11 NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$500 OR BOTH.

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