SENATE BILL 109

By: Senators Kelley, DeGrange, Forehand, Getty, Jacobs, Jones–Rodwell, Kasemeyer, Manno, Mathias, Middleton, Montgomery, Muse, Pinsky, Raskin, Reilly, Robey, Rosapepe, Shank, Stone, and Young
Introduced and read first time: January 14, 2013
Assigned to: Judicial Proceedings

A BILL ENTITLED

AN ACT concerning

Criminal Law – Controlled Dangerous Substances – Research – Synthetic Cannabinoids

FOR the purpose of authorizing a certain authorized provider to conduct research in the State with certain controlled dangerous substances not scheduled under federal law under certain circumstances; listing synthetic cannabinoids on Schedule I for purposes of designating controlled dangerous substances that may not be legally used, possessed, or distributed; defining a certain term; and generally relating to controlled dangerous substances.

BY repealing and reenacting, without amendments,

Article – Criminal Law
Section 5–101(a)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY adding to

Article – Criminal Law
Section 5–101(ff)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Law
Section 5–304 and 5–402(d)
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

5–101.

(a) In this title the following words have the meanings indicated.

(FF) (1) “SYNTHETIC CANNABINOID” MEANS A CHEMICAL COMPOUND THAT IS CHEMICALLY SYNTHESIZED AND:

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

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

(2) “SYNTHETIC CANNABINOID” INCLUDES:

(I) 1–[2–(4–MORPHOLINYL)ETHYL]–3–(1–NAPHTHOYL)INDOLE (ALSO KNOWN AS JWH–200);

(JWH– 073);

(III) 1–HEXYL–3–(1–NAPHTHOYL)INDOLE (ALSO KNOWN AS JWH– 019);

(IV) 1–PENTYL–3–(1–NAPHTHOYL)INDOLE (ALSO KNOWN AS JWH– 018);

(V) 1–PENTYL–3–(2–METHOXYPHENYLACETYL)INDOLE (ALSO KNOWN AS JWH–250);

(VI) 1–PENTYL–3–(4–CHLORO–1–NAPHTHOYL)INDOLE (ALSO KNOWN AS JWH–398);

(VII) 2–[(1R, 3S)–3–HYDROXYCYCLOHEXYL]–5–(2–METHYLOCTAN–2–YL)PHENOL (ALSO KNOWN AS CP 47, 497 AND ITS C6, C7, C8, AND C9 HOMOLOGUES);

(VIII) (2–METHYL–1–PROPYL–1H–INDOL–3–YL)–1–NAPHTHALENYL– METHANONE (ALSO KNOWN AS JWH–015);
(IX) (6AR, 10AR)–9–(HYDROXYMETHYL)–6, 6–DIMETHYL–3–
(2–METHYLOCTAN–2–YL)–6A, 7, 10, 10A–TETRAHYDROBENZO[C] CHROMEN–1–OL (ALSO KNOWN AS HU–210); AND

(X) DEXANABINOL (6AS, 10AS)–9–(HYDROXYMETHYL)–6, 6–
DIMETHYL–3–(2–METHYLOCTAN–2–YL)–6A, 7, 10, 10A–
TETRAHYDROBENZO[C]CHROMEN–1–OL (ALSO KNOWN AS HU–211).

(3) “SYNTHETIC CANNABINOID” DOES NOT INCLUDE ANY DRUG
THAT HAS BEEN APPROVED BY THE FEDERAL FOOD AND DRUG
ADMINISTRATION.

5–304.

(a) If an authorized provider is authorized to dispense or conduct research
under State law, the Department shall register the authorized provider to dispense a
controlled dangerous substance or to conduct research with a controlled dangerous
substance listed in Schedule II through Schedule V.

(b) The Department need not require separate registration under this section
for an authorized provider who is:

(1) engaged in research with a nonnarcotic controlled dangerous
substance in Schedule II through Schedule V; and

(2) already registered under this subtitle in another capacity.

(c) An authorized provider may conduct research in the State with a
controlled dangerous substance listed in Schedule I if the authorized provider is:

(1) registered under federal law to conduct research with a controlled
dangerous substance listed in Schedule I and gives evidence of the registration to the
Department; OR

(2) APPROVED BY A FEDERALLY REGISTERED INSTITUTIONAL
BOARD OR INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE TO CONDUCT
RESEARCH ON A CONTROLLED DANGEROUS SUBSTANCE LISTED IN SCHEDULE I
THAT IS NOT SCHEDULED UNDER FEDERAL LAW AND GIVES EVIDENCE OF THE
APPROVAL TO THE DEPARTMENT.

5–402.

(d) (1) A material, compound, mixture, or preparation that contains any of
the following hallucinogenic or hallucinogenic–like substances is a substance listed in
Schedule I:
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(i) bufotenine;
(ii) diethyltryptamine;
(iii) dimethyltryptamine;
(iv) 4–methyl–2, 5–dimethoxyamphetamine;
(v) ibogaine;
(vi) lysergic acid diethylamide;
(vii) marijuana;
(viii) mescaline;
(ix) peyote;
(x) psilocybin;
(xi) psilocyn;
(xii) tetrahydrocannabinol;
(xiii) thiophene analog of phencyclidine;
(xiv) 2, 5–dimethoxyamphetamine;
(xv) 4–bromo–2, 5–dimethoxyamphetamine;
(xvi) 4–methoxyamphetamine;
(xvii) 3, 4–methylene dioxyamphetamine;
(xviii) 3, 4–methylene dioxy methamphetamine (MDMA);
(xix) 5–methoxy–3, 4–methylene dioxyamphetamine;
(xx) 3, 4, 5–trimethoxyamphetamine;
(xxi) N–methyl–3–piperidyl benzilate;
(xxii) N–ethyl–3–piperidyl benzilate;
(xxiii) N–ethyl–1–phenylcyclohexylamine;
(xxiv) 1-(1-phenylcyclohexyl)–pyrrolidine;

(xxv) 1-(1-(2-thienyl)–cyclohexyl)–piperidine;

(xxvi) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

(xxvii) 1-(2-phenylethyl)-4-phenyl-4-acetyloxy piperidine (PEPAP);

(xxviii) 3, 4-methylenedioxymethcathinone (methylone);

(xxix) 3, 4-methylenedioxypyrovalerone (MDPV);

(XXX) 4-methylmethcathinone (mephedrone);

(XXXI) 4-methoxymethcathinone (methedrone);

(XXXII) 4-fluoromethcathinone (flephedrone); [and]

(XXXIII) 3-fluoromethcathinone (3-FMC); AND

(XXXIV) SYNTHETIC CANNABINOIDS.

(2) Unless specifically excepted under this subtitle, a salt, isomer, or salt of an isomer of a substance listed in this subsection is a substance listed in Schedule I if the existence of the salt, isomer, or salt of an isomer is possible within the specific chemical designation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.