

Chapter 442

(Senate Bill 109)

AN ACT concerning

Criminal Law – ~~Controlled Dangerous Substances – Research – Synthetic Cannabinoids~~ Cannabimimetic Agents – Prohibition

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~~ cannabimimetic agents on Schedule I ~~for purposes of designating~~ to designate controlled dangerous substances that may not be legally used, possessed, or distributed; defining a certain term; and generally relating to controlled dangerous substances.

BY renumbering

Article – Criminal Law

Section 5–101(e) through (ee), respectively

to be Section 5–101(f) through (ff), respectively

Annotated Code of Maryland

(2012 Replacement Volume and 2012 Supplement)

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)~~ (e)

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)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–101(e) through (ee), respectively, of Article – Criminal

Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-101(f) through (ff), respectively.

~~SECTION 1. SECTION 2. AND BE IT FURTHER 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)~~ (E) (1) “SYNTHETIC CANNABINOID” MEANS A CHEMICAL COMPOUND THAT IS CHEMICALLY SYNTHESIZED AND CANNABIMIMETIC AGENTS” MEANS SUBSTANCES THAT ARE CANNABINOID RECEPTOR TYPE 1 (CB1 RECEPTOR) AGONISTS AS DEMONSTRATED BY BINDING STUDIES AND FUNCTIONAL ASSAYS WITHIN ONE OF THE FOLLOWING STRUCTURAL CLASSES:

(I) HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE CANNABINOID RECEPTORS; OR 2-(3-HYDROXYCYCLOHEXYL)PHENOL WITH SUBSTITUTION AT THE 5-POSITION OF THE PHENOLIC RING BY ALKYL OR ALKENYL, WHETHER OR NOT SUBSTITUTED ON THE CYCLOHEXYL RING TO ANY EXTENT;

(II) IS A CHEMICAL ANALOG OR ISOMER OF A COMPOUND THAT HAS BEEN DEMONSTRATED TO HAVE BINDING ACTIVITY AT ONE OR MORE CANNABINOID RECEPTORS 3-(1-NAPHTHOYL)INDOLE OR 3-(1-NAPHTHYLMETHANE)INDOLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING, WHETHER OR NOT FURTHER SUBSTITUTED ON THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHOYL OR NAPHTHYL RING TO ANY EXTENT;

(III) 3-(1-NAPHTHOYL)PYRROLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE PYRROLE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE PYRROLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHOYL RING TO ANY EXTENT;

(IV) 1-(1-NAPHTHYLMETHYLENE)INDENE BY SUBSTITUTION OF THE 3-POSITION OF THE INDENE RING, WHETHER OR NOT FURTHER SUBSTITUTED IN THE INDENE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE NAPHTHYL RING TO ANY EXTENT; OR

(V) 3-PHENYLACETYLINDOLE OR 3-BENZOYLINDOLE BY SUBSTITUTION AT THE NITROGEN ATOM OF THE INDOLE RING, WHETHER OR

NOT FURTHER SUBSTITUTED IN THE INDOLE RING TO ANY EXTENT AND WHETHER OR NOT SUBSTITUTED ON THE PHENYL RING TO ANY EXTENT.

(2) ~~“SYNTHETIC CANNABINOID~~ CANNABIMIMETIC AGENTS”
INCLUDES:

(I) ~~1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-200)~~ 5-(1,1-DIMETHYLHEPTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-PHENOL (CP-47,497);

(II) ~~1-BUTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-073)~~ 5-(1,1-DIMETHYLOCTYL)-2-[(1R,3S)-3-HYDROXYCYCLOHEXYL]-PHENOL (CANNABICYCLOHEXANOL OR CP-47,497 C8-HOMOLOG);

(III) ~~1-HEXYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-019)~~ 1-PENTYL-3-(1-NAPHTHOYL)INDOLE (JWH-018 AND AM678);

(IV) ~~1-PENTYL-3-(1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-018)~~ 1-BUTYL-3-(1-NAPHTHOYL)INDOLE (JWH-073);

(V) ~~1-PENTYL-3-(2-METHOXYPHENYLACETYL) INDOLE (ALSO KNOWN AS JWH-250)~~ 1-HEXYL-3-(1-NAPHTHOYL)INDOLE (JWH-019);

(VI) ~~1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL) INDOLE (ALSO KNOWN AS JWH-398)~~ 1-[2-(4-MORPHOLINYL)ETHYL]-3-(1-NAPHTHOYL)INDOLE (JWH-200);

(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)~~ 1-PENTYL-3-(2-METHOXYPHENYLACETYL)INDOLE (JWH-250);

(VIII) ~~(2-METHYL-1-PROPYL-1H-INDOL-3-YL)-1-NAPHTHALENYL-METHANONE (ALSO KNOWN AS JWH-015)~~ 1-PENTYL-3-[1-(4-METHOXYNAPHTHOYL)]INDOLE (JWH-081);

(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)~~ 1-PENTYL-3-(4-METHYL-1-NAPHTHOYL)INDOLE (JWH-122); 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) 1-PENTYL-3-(4-CHLORO-1-NAPHTHOYL)INDOLE (JWH-398);~~

~~(XI) 1-(5-FLUOROPENTYL)-3-(1-NAPHTHOYL)INDOLE (AM2201);~~

~~(XII) 1-(5-FLUOROPENTYL)-3-(2-IODOBENZOYL)INDOLE (AM694);~~

~~(XIII) 1-PENTYL-3-[(4-METHOXY)-BENZOYL]INDOLE (SR-19 AND RCS-4);~~

~~(XIV) 1-CYCLOHEXYLETHYL-3-(2-METHOXYPHENYLACETYL)INDOLE (SR-18 AND RCS-8); AND~~

~~(XV) 1-PENTYL-3-(2-CHLOROPHENYLACETYL)INDOLE (JWH-203).~~

~~(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:

- (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-methylenedioxyamphetamine;

- (xviii) 3, 4-methylenedioxymethamphetamine (MDMA);
- (xix) 5-methoxy-3, 4-methylenedioxyamphetamine;
- (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-acetyloxypiperidine
(PEPAP);
- (xxviii) 3, 4-methylenedioxymethcathinone (methydone);
- (xxix) 3, 4-methylenedioxypropylvalerone (MDPV);
- (xxx) 4-methylmethcathinone (mephedrone);
- (xxxi) 4-methoxymethcathinone (methedrone);
- (xxxii) 4-fluoromethcathinone (flephedrone); [and]
- (xxxiii) 3-fluoromethcathinone (3-FMC); AND
- (XXXIV) ~~SYNTHETIC CANNABINOIDS~~ CANNABIMIMETIC
AGENTS.**

(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.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 16, 2013.