

By: **Delegate Menes**
Introduced and read first time: February 22, 2000
Assigned to: Rules and Executive Nominations
Re-referred to: Judiciary, March 6, 2000

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2000

CHAPTER _____

1 AN ACT concerning

2 **Crimes - Controlled Dangerous Substance Analogues**

3 FOR the purpose of establishing that controlled dangerous substance analogues be
4 treated as Schedule I controlled dangerous substances, to the extent the
5 analogues are intended for human consumption; defining a certain term; and
6 generally relating to controlled dangerous substance analogues.

7 BY adding to
8 Article 27 - Crimes and Punishments
9 Section 279(a)(3)f.
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

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

14 **Article 27 - Crimes and Punishments**

15 279.

16 The following schedules include the controlled dangerous substances listed or to
17 be listed by whatever official name, common or usual name, chemical name, or trade
18 name designated.

19 (a) Schedule I - In determining that a substance comes within this schedule,
20 the Department shall find:

1 (3) A lack of accepted safety for use under medical supervision. The
2 following are controlled dangerous substances and are included in this schedule:

3 F. 1. TO THE EXTENT INTENDED FOR HUMAN CONSUMPTION, A
4 CONTROLLED DANGEROUS SUBSTANCE ANALOGUE.

5 2. IN THIS SUBPARAGRAPH, "CONTROLLED DANGEROUS
6 SUBSTANCE ANALOGUE" MEANS A SUBSTANCE:

7 (I) THAT HAS A CHEMICAL STRUCTURE SUBSTANTIALLY
8 SIMILAR TO THE CHEMICAL STRUCTURE OF A CONTROLLED DANGEROUS
9 SUBSTANCE CLASSIFIED IN SCHEDULE I OR SCHEDULE II; AND

10 (II) THAT HAS A STIMULANT, DEPRESSANT, OR
11 HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM THAT IS
12 SUBSTANTIALLY SIMILAR TO OR GREATER THAN THE STIMULANT, DEPRESSANT, OR
13 HALLUCINOGENIC EFFECT ON THE CENTRAL NERVOUS SYSTEM OF A CONTROLLED
14 DANGEROUS SUBSTANCE CLASSIFIED IN SCHEDULE I OR SCHEDULE II; ~~OR~~

15 ~~(III) THAT A PERSON INTENDS TO HAVE OR REPRESENTS AS
16 HAVING A STIMULANT, DEPRESSANT, OR HALLUCINOGENIC EFFECT ON THE
17 CENTRAL NERVOUS SYSTEM THAT IS SUBSTANTIALLY SIMILAR TO OR GREATER
18 THAN THE STIMULANT, DEPRESSANT, OR HALLUCINOGENIC EFFECT ON THE
19 CENTRAL NERVOUS SYSTEM OF A CONTROLLED DANGEROUS SUBSTANCE IN
20 SCHEDULE I OR SCHEDULE II.~~

21 3. "CONTROLLED DANGEROUS SUBSTANCE ANALOGUE"
22 DOES NOT INCLUDE:

23 (I) A CONTROLLED DANGEROUS SUBSTANCE;

24 (II) A SUBSTANCE FOR WHICH THERE IS AN APPROVED NEW
25 DRUG APPLICATION; ~~AND OR~~

26 (III) A SUBSTANCE EXEMPTED FOR INVESTIGATIONAL USE
27 UNDER SECTION 506 OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2000.